

BEFORE SECURITIES AND EXCHANGE BOARD OF INDIA
ORDER
UNDER SECTIONS 11(1), 11(4), 11(4A), 11B(1) AND 11B(2) OF THE SECURITIES AND
EXCHANGE BOARD OF INDIA ACT, 1992

IN RESPECT OF:

Noticee No.	Name	PAN
1	Vivek Chauhan	AHPPC9620A
2	Manish Mishra	AMPPM6823L
3	Anshu Mishra	BMIPS3480H
4	Purav Bharatbhai Patel	ANWPP1802G
5	Sejal P Patel	AOAPP8217N
6	Hansaben Bharktkumar Patel	AOBPP2678G
7	Saurabh Madhusudan Patel	AOSPP0609Q
8	Saurabh M Patel HUF	AATHS2314G
9	Umesh Balkrishan Tibrewala HUF	AABHU2719P
10	Anand Sureshbhai Lavingia	AGYPL1819J
11	Vivek Chauhan	CJZPC5706M

IN THE MATTER OF PRESSURE SENSITIVE SYSTEMS (INDIA) LIMITED

(The aforesaid entities are referred to by their corresponding names/numbers and collectively referred to as "Noticees")

Background

1. Securities and Exchange Board of India (hereinafter referred to as "**SEBI**") received a complaints wherein it was inter alia alleged that there was price manipulation and offloading of shares by certain entities in the scrip of Pressure Sensitive Systems (India) Limited (hereinafter referred to as "**PSSIL/ Company**"). It was further alleged that misleading YouTube videos with false content, backed by paid marketing worth crores of rupees for additional reach, were being uploaded to lure investors. Once

these unsuspecting investors entered the scrip, the said entities allegedly off loaded their holding at an inflated price and made profit.

2. Based on the aforesaid complaint, SEBI conducted investigation in the matter to look into possible violations of provisions of the Securities and Exchange Board of India Act, 1992 (herein after referred to as “**SEBI Act**”) and various regulations framed there under including SEBI (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations, 2003 (hereinafter referred to as “**PFUTP Regulations**”), by certain entities for the period April 27, 2022 to December 06, 2022 (herein after referred to as “**Investigation Period/ IP**”). However, reference has been made to outside the IP wherever required.

3. The above IP was further divided into 3 Patches. The period covered under each patch was as follows:

Patch	Period	Remark
Patch-I	July 11, 2022 to September 15, 2022	Purchase of Shares of PSSIL by Noticee No.2 - 11
Patch-II	September 16, 2022 to September 29, 2022	YouTube Videos uploaded – Selling of shares by Noticee No.2 - 11
Patch-III	September 30, 2022 to December 06, 2022	Advertisement of YouTube videos stopped , price and volume in the scrip went down

Background of the Company & Brief Facts of the Case

4. PSSIL was incorporated on 03 December, 1987. The Registered office of the company was at 706,179,180, Kamlacharan, Jawahar Nagar, Rd No.2, Goregoan (W), Nr. Railway Gate No. 27, Mumbai, Maharashtra, 400062. The company has now shifted its office to 441 Block-C 1-1 TPS-14, Sumel-II Indian Textile Plaza, Shahibaug, Ahmedabad, Gujarat-380004. The company manufactures and sells various coated products in India viz., electrical insulations, industrial tapes, metalized threads, and magnetic threads.

5. The shareholding pattern of PSSIL for all quarters during the IP is as under:

Particulars	Quarter ended June 2022			Quarter ended September 2022			Quarter ended December 2022		
	No of shareholders	No of shares	%	No of shareholders	No of shares	%	No of shareholders	No of shares	%
Promoter Holding	0	0	0	0	0	0	0	0	0
Public	6,061	1,48,36,200	100	17,340	1,48,36,200	100	16,821	14,83,62,000	100
Total Shares	6,061	1,48,36,200	100	17,340	1,48,36,200	100	16,821	14,83,62,000	100

6. It was observed from above that the company did not had any promoter and the public shareholders held 100% of the shares. Subsequently, there was sub-division of shares on November 16, 2022 wherein one Equity Share of Rs.10/- each into ten equity shares of Re.1/- each.

7. The details of top 10 Public Shareholders of PSSIL are given below:

Name of the shareholder	PAN	No. of shares	in %
Amraworld Agrico Limited	AABCG5611R	1,240,000	8.36
Xo Infotech Limited & Saral Mining Limited	AAACX0059K	940,000	6.34
Myraj Consultancy Ltd & Madhav Infra Projects Ltd	AADCM1157C	700,000	4.72
Ghanshyambhai Ambalal Thakkar	AAJPT5528R	700,000	4.72
Heena Ullash Parikh	AEHPP3143E	700,000	4.72
Aashka Construction Private Limited	AAGCA4517K	700,000	4.72
Vir Decorativesheets Private Limited	AACCV7061M	700,000	4.72
Krupa Krupesh Thakkar	AAJPT5547N	700,000	4.72
Krupesh Ghanshyambhai Thakkar	AAJPT5527A	700,000	4.72
Rudra Securities And Capital Limited	AACCR2292Q	700,000	4.72

8. The details of the management of the company during the IP were as under:

Sr No.	DIN	Name	Designation	PAN	Start date	End date
1	0009166543	Mr. Mitesh Manubhai Thakkar#	Managing Director	BNCPT6400M	31-Dec-2021	13-Feb-2023
2	0006380025	Mr. Vivek Chauhan*	Chief Financial Officer	AHPPC9620A	02-Mar-2022	*
3	0007265796	Mr. Deenaben Mahendrabhai Ganatra	Non-Executive – Independent Director	ATEPG6100E	18-Aug-2015	09-Dec-2022
4	0009166563	Mr. Shaktikumar Manubhai Thakkar	Non-Executive – Independent Director	AKKPT5635N	31-Dec-2021	03-Apr-2023
5	NA	Mr. Dhruvitkumar Pareshbhai Mandliya	Company Secretary & Compliance Officer	CYXPM3934Q	23- Feb-2022	03- May-2023

*As on 23 December 2022, Mr. Vivek Chauhan appointed as executive director.

#As on 13 February 2023, Mr. Mitesh Manubhai Thakkar resigned from the position Managing Director.

9. **Listing and Relisting:** The scrip of PSSIL was listed on BSE Limited on July 16, 2015. As part of the surveillance measures, trading in the securities of the company was suspended w.e.f. August 27, 2015. Subsequently, the suspension of trading in the securities of PSSIL was revoked w.e.f. July 11, 2022.

10. It was observed during investigation that post relisting the shares of company on exchange after five years, out of the top 10 public shareholders, Mr. Ghanshyambhai Ambalal Thakkar, Mrs. Heena Ullash Parikh, M/s. Aashka Construction Private Limited, M/s. Vir Decorativesheets Private Limited and M/s. Pinkrose Distributors Pvt Ltd., had sold 27,82,000 shares (2,78,20,000 after adjustment post split) during Patch-1, when some of the Noticees were observed to be buying the shares.
11. It was alleged that taking the advantage of the relisting of the scrip on July 11, 2022, Noticee No.1 and 2 along with other Noticees devised a scheme wherein a video was intentionally uploaded to spread the false and misleading news pertaining to PSSIL in two YouTube channels viz., “*Moneywise*” and “*The Advisor*” and recommended to buy PSSIL shares and created artificial interest in the shares of PSSIL. These YouTube channels had lakhs of subscribers and the misleading YouTube videos had huge viewership aided by promotion through paid advertising.
12. However, during investigation, it was found that the said videos pertaining to the scrip of PSSIL were later deleted on September 26, 2023. Following information was found to be propagated through the said videos:
- The shares price of the PSSIL has increased more than 10 times in 3 months.
 - The company was allotted a coalmine in Australia.
 - The promoters have increased their shareholding.
 - The share price is going to increase 10 times more.
13. As per the said scheme, it was alleged that some of the Noticees had bought shares of PSSIL before the video containing false and misleading information about the company was uploaded. These YouTube videos were promoted using Google AdSense which garnered high viewership. Then the said Noticees sold the shares after the videos affected the price and volume of the scrip as new investors were lured because of the false and misleading information about PSSIL propagated through the said videos and hence made profit. The role of Noticees in the aforesaid fraudulent scheme can be broadly classified as follows-

- a. Noticee No.1 and 2 were alleged to be the creator of both the YouTube Channels, and were classified as a Misleading Message Disseminator (“**MMD**”). Noticee No. 1 was also the CFO (Chief Financial Officer) of the PSSIL during the IP and was privy to most of the key information related to the company e.g. relisting on exchange, top shareholders of the company etc.
- b. Noticee No. 2 to 11 were alleged to be Volume Creators (“**VCs**”) who bought and sold shares of PSSIL during the IP and hence contributed to artificially increasing volumes and interest in the scrip and also booked profits.

14. In view of the aforesaid, the following violations were alleged against the Noticees:

Noticee No.	Name of the Noticee	Alleged Violations
1.	Vivek Chauhan	Section 12A (a), (b) and (c) of the SEBI Act, 1992 r/w Regulations 3(a), (b), (c), (d), 4(1) and 4(2) (a), (d), (k) & (r) of the PFUTP Regulations
2.	Manish Mishra	
3.	Anshu Mishra	
4.	Purav Bharatbhai Patel	
5.	Sejal P Patel	
6.	Hansaben Bharatkumar Patel	
7.	Saurabh Madhusudan Patel	
8.	Saurabh M Patel HUF	
9.	Umesh Balkrishan Tibrewala HUF	
10.	Anand Sureshbhai Lavingia	
11.	Vivek Chauhan	

15. Having regards to the aforesaid alleged violations, the Noticees were called upon to show cause as to why suitable directions under sections 11B(1) and 11(4) r/w 11(1) of SEBI Act, 1992 including disgorgement of the wrongful gain jointly and severally and levying monetary penalty under section 11B(2) and 11(4A) read with section 15HA of the SEBI Act, 1992 should not be issued against them for the alleged violations mentioned above.

Show Cause Notice, Reply and Personal Hearing:

16. Post completing the investigation, Show Cause Notice dated July 23, 2024 (hereinafter referred to as “**the SCN**”) was issued to the Noticees. The said SCN

was served to the Noticees vide Speed Post with Acknowledgment (SPAD) as well as vide email dated July 23, 2024. Thereafter, vide letter dated August 08, 2024, the Authorized Representative of the Noticee No.1, 2, 3, 4, 5, 6, 7 and 8 (**'the AR'**) acknowledged the receipt of the SCN to the said Noticees. In the said letter, the AR made *preliminary submissions* the key extracts of the which are provided below:

- a. *Mr. Manish Mishra (Noticee No.2), has filed a Writ Petitions bearing Special Civil Application No. 11463 of 2023, before the Hon'ble High Court of Gujarat challenging the vires of the seizure of his mobile phones, laptops, documents and records by SEBI on March 2, 2023;*
- b. *It is also prayed in the said writ petitions that SEBI may be prohibited from relying on the contents of the mobile phones, laptops, documents and records seized by them on March 2, 2023. The Hon'ble High Court was pleased to issue notice to SEBI vide order dated July 10, 2023. A perusal of the Notice shows that while the matter is sub judice, SEBI has relied on certain contents of the mobile phones, laptops, documents and records seized by SEBI on March 2, 2023 to make allegations against Mr. Manish Mishra. This action of SEBI is illegal. Therefore, at the outset, our client requests that the present proceedings may be kept in abeyance qua them until the writ petitions are heard and disposed of by the Hon'ble High Court of Gujarat.*
- c. *At the further outset, our clients' email addresses, phone numbers and other personal information have been made available to third parties since the Notice has been addressed to several persons thereby making available confidential and personal information relating to our clients to third parties who are not entitled to disclosure of such information, This constitutes a breach of our clients' fundamental right to privacy under Article 21 of the Constitution of India, as affirmed in the Hon'ble Supreme Court's judgment in **K.S Puttaswamu (Retd.) & Anr v. Union of India**, as the act of publishing our clients' personal data is not proportional, does not fulfil a requisite need, or any compelling state interest. Furthermore, our clients state that publication of their personal data constitutes a personal data breach under the Digital Personal Data Protection Act, 2023 ("**DPDP Act**"), as SEBI in their capacity as a Data*

Fiduciary as per Section 8(3), (4), (5), (6) of the DPDP Act. Extracts of the same are reproduced therein:

"(8)3) Where personal data processed by a Data Fiduciary is likely to be—

(a) used to make a decision that affects the Data Principal;

(b) disclosed to another Data Fiduciary,

the Data Fiduciary processing such personal data shall ensure its completeness, accuracy and consistency.

(4) A Data Fiduciary shall implement appropriate technical and organizational measures to ensure effective observance of the provisions of this Act and the rules made thereunder.

(5) A Data Fiduciary shall protect personal data in its possession or under its control including in respect of any processing undertaken by it or on its behalf by a Data Processor by taking reasonable security safeguards to prevent personal data breach.

(6) In the event of a personal data breach, the Data Fiduciary shall give the Board and each affected Data Principal, intimation of such breach in such form and manner as may be prescribed."

Since our clients' personal data was published to third parties, SEBI has not taken any reasonable steps to safeguard their data, or anonymize the same, while issuing the Notice. Thus, our clients call upon you to immediately withdraw the Notice issued to all Noticees and to direct Noticees other than our clients to disregard and immediately destroy all the confidential and private information relating to them. Our clients would also be intimating the Data Protection Board of India regarding the breach of their personal data, as SEBI in their capacity as "Data Fiduciary" under the DPDP Act, has not taken reasonable steps to ensure the safety of our clients' personal data.

d. While certain documents and records have been provided along with the Notice, many relevant documents and records including the Investigation Report, bank statements, call records etc. have not been provided to them by SEBI, thereby hampering their ability to submit a complete and comprehensive

reply to the baseless, false and unsustainable allegations made by SEBI in the Notice.

- e. Therefore, our clients request that they may be provided with copies of all documents and records relied upon by SEBI to make the allegations and charges against them and also provide them with an opportunity to inspect the originals of the same by them or their authorized representatives. Our clients further request that they may be granted time of 4 weeks from the date on which they are provided the documents or inspection of documents (whichever is later), to submit their reply to the Notice.*

17. In response to the above request for inspecting the original documents, it was informed to the AR vide email dated August 12, 2024 that all the relied upon documents in the matter has already been provided in the form of the SCN and its annexures, hence the request of inspection of original documents cannot be accepted. Accordingly, additional time to submit reply was also not provided. Following the above communication, the AR vide letter dated August 14, 2024 again requested opportunity to inspect original documents and also submitted list of documents stating that the same has been relied upon in the SCN but has not been provided alongwith the SCN.

18. In response to the above request of the AR, post examining the list of documents provided by the AR, the copy of Investigation Report ('IR') alongwith its annexures were provided to the AR through email dated August 20, 2024. Regarding the request for inspection of original documents, it was informed to the AR that SEBI is not in possession of any original document in the instant matter and hence the request for inspection was not accepted. Thereafter, the AR was given time till August 31, 2024 to submit the replies.

19. The AR vide letters dated September 02, 2024 submitted replies of the Noticees No. 1 to 8. Separate replies were submitted for the respective Noticees. The common contentions raised by the AR vide the said replies are stated below:

*'Our client submits that he has been wrongly denied an opportunity of inspection. SEBI's rejection is in gross violence of the principles of natural justice as our client is rightfully entitled to inspect each and every original document as relied upon by SEBI. We place our reliance on the cases of **Takano v. Securities & Exchange Board of India** (2022) 8 SCC 162, **Kashinath Dikshita Union of India & Ors**, (1986) 3 SCC 229, **Price Waterhouse v Securities and Exchange Board of India** (Appeal No.8 of 2011 decided on 01.06.2011), **Mjs Amadhi Investments Ltd v Securities and Exchange Board of India** (Appeal No.186 of 2010 decided on 03.08.2011), it has been held that the Adjudicating Authority should make available complete records for inspection, to the person whose conduct is in question and whether it helps him or not is irrelevant. Equally immaterial is the fact that the authority is or is not relying upon the same. The authority may not rely upon it, but the delinquent could, in support of his case. The failure on the part of SEBI to provide complete records of documents relied upon by it on the basis of it not being used for drafting of SCN is in the teeth of settled position of law.'*

20. The following was submitted regarding the allegations levelled in the SCN-

For Noticee No.1

- a. *The SCN fails to establish link between Noticee No.1 and his role in uploading the alleged YouTube videos.*
- b. *The SCN also fails to establish that Noticee No.1 had played a role in the creation, distribution or promotion of the alleged YouTube videos. Moreover, he has not been provided with an opportunity to inspect the alleged video(s), hence he reserves his right to file a further reply once the inspection is granted to our client.*
- c. *Noticee No.1 has been denied the opportunity to inspect the videos and the authenticity of the same, on the basis of which SEBI has arrived at the conclusion and accused our client of attracting new clients in the scrip of PSSIL in order to make a profitable exit.*
- d. *The SCN has wrongly erred in treating all the Noticeees including our client on an equal footing.*

- e. *It is also pertinent to note that there was no dispute raised by the company with respect to the contents of the alleged videos being misleading as can be seen from the SCN.*
- f. *The allegations in the SCN are vague and do not establish anything concrete against Noticee No.1. Moreover, the bills obtained from Google AdSense fail to establish that they were for the alleged videos of the particular scrip in question.*

For Noticee No.2 and 3

I. Regarding uploading videos on Youtube

- a. *Our client denies devising a scheme and spreading misleading videos pertaining to PSSIL through two alleged YouTube channels "Moneywise' and "The Advisor'. Our client also denies recommending to buy PSSIL shares as well creating artificial interest in the shares of PSSIL. Our Client has not been provided with the videos that he has allegedly uploaded on YouTube, hence in the absence of any such inspection of videos as relied upon by SEBI, our Client is currently in no position to warrant any comment on the allegations as levelled upon by the SEBI. Our client seeks the inspection of the alleged videos, which would then enable him to reply to the allegations with respect to the alleged videos,*
- b. *Our client submits that the allegations in the SCN are vague and do not establish anything concrete against our client. Moreover, the bills obtained from Google AdSense fail to establish that they were for the alleged videos of the particular scrip in question.*

II. Regarding connection with Patel Group

- a. *As far as the Patels are concerned, they are old family friends of the Mishras and hence the frequent call records should not be viewed with suspicious eyes. The connection established by SEBI is arbitrary and based on conjectures and surmises. It is further submitted that SEBI has not come up with any concrete proof other than merely relying upon the whatsapp chats, which in any case is the matter of challenge before the Hon'ble High Court of Gujarat, and the phone*

calls exchanged between our client and other Noticees. The allegations are not substantiated with credible evidence.

III. Regarding trades in the scrip of PSSIL

- a. In this regard, our client submits that the whole purpose of executing trades is to make profit; every sell trade is driven by a profit motive and therefore, it is nothing unusual on our client's part to have exited the scrip at a profitable rate. It is also pertinent to note that our client has merely sold the shares at a higher price and had no role in inflating the price and volume of the scrip of the company in any manner whatsoever. The trades executed by our client did not result in any price or volume creation. Noticee No.2 is a digital marketing consultant and that he was merely doing his job while uploading the videos. SEBI has wrongly connected the dots and held our client liable for the alleged manipulation.*
- b. Moreover, it is pertinent to note that our client is a digital marketing consultant and had no involvement in creating any artificial volume or jacking up the price of the scrip of the company by way of manipulative trades. Our client executed trades like any normal investor would.*

For Noticee No.4-8

I. Regarding Inspection of Documents

- a. SEBI via e-mail dated October 08, 2024, admittedly has communicated that, it is not in possession of any original documents for inspection, it merely derives an absence of any appropriate grounds furnished by SEBI. The absolute and blunt denial of any further inspection of documents on behalf of SEBI indicates gross misconduct and violation of principles of natural justice, the Noticee as and when served with various chains of alleged offences must also be righteously allowed to suffice his denial, whether or not it helps him or not, he should be allowed to support his case at all costs. The inspection ought not to be have denied, as the Noticee is rightfully entitled to inspect every original document as relied upon by SEBI and make available the complete records for inspection, all the allegations*

levied by SEBI in the SCN stand loose footing, if the evidences relied upon SEBI are not available with itself.

II.Regarding Uploading Videos and trading in PSSIL

- b. They were not involved/participated in uploading false and misleading information about the company at any given point of time, as stated they have merely traded in the shares of PSSL as any other normal trader/investor would. The trading pattern of raises no eyebrows as the sole objective of trading/investing is to make profits, they have no involvement in any sort of marketing or advertising of any videos neither have paid or promoted the same in any manner, also, they deny all the allegations of being a volume creator and deny contributing to the rise in the trading volumes to book unreasonable profits.*
- c. Further it was stated that they have been made a scapegoat to the shackles of erratic preliminary evidences, as they family relations with a few mentioned Noticees, SEBI herein has wrongly connected dots of the present Noticees, as all the connections are merely based on personal relations. The frequent connections within family members cannot be derived as an indication towards any malpractices. SEBI by the way of the abovementioned SCN has conveniently divided the Noticees into two groups as Mishra Group and Patel Group without any concrete or credible evidences to address them as connected entities.*
- d. It also submitted that several of the relationships alleged in the SCN were either family relations or friendly relationships. Noticee No.7 is an Insurance Agent, Vastu Consultant and Capital Markets Investor, his affinity/association with the mentioned Noticees cannot be arbitrarily derived as connections solely based on the Call Data Records/bank transactions, as the allegations of defrauding investors and conspiracy of inflating the prices are not substantiated with any credible evidences.*
- e. They have no part in creating any artificial volumes or jacking up the prices of the concerned company by way of manipulative trades. The Noticees herein, have mindfully executed trades like any other normal investor would. They stated*

that the transactions in the scrip of the company were based on existing data available on the BSE and NSE, not on any alleged false information.

- f. It is submitted that, Noticee No.4-8 have been nowhere in collusion or connivance with any other Noticees and hence, they cannot be held jointly and severally liable. It is also submitted that, the direction to disgorge must be in relation to any transaction or activity and the direction to disgorge can only be made against the person who has made such unlawful gains. Disgorgement being an equitable remedy only seeks to take back what has been unlawfully received and therefore, there can be no question of joint and several disgorgement as the profit made by each person is already identified in the SCN. It is also submitted that, as per the disgorgement principle, our client cannot be held for wrongdoings of any other Noticee's when SEBI has failed to establish the liability being joint and several. Furthermore, the direction to disgorge must be in relation to any transaction or activity, which is contravention of the provisions of the SEBI Act or its Regulations.*

Noticee No. 10 submitted the following in reply to the SCN

- a. Regarding connection with Noticee No.4 - I have given an amount in a tune of Rs.27,00,000 (Twenty Seven Lakh) to Mr. Purav Patel which was advance payment for purchasing the land. I have not received single penny from any of the noticees.*
- b. Regarding Youtube videos - I am not at all aware about the said YouTube videos even I have never discussed such thing over call or any other mode.*
- c. Regarding selling the shares of PSSIL - I was in talk with management for my appointment as a practicing company secretary of Pressure Sensitive System (India) Limited that's why I sold that script before issuing any certification to the company. Whatever I have done is based on my professional knowledge not by using the information through videos or any other mode. As my involvement is not at all found in the investigation. I also confirm that I have made a profit and if it's at a cost of new investor then I am ready to transfer the said profit to IEPF, if your Hon'ble office thinks proper.*

21. In response to the SCN, Authorised Representative of Noticee No.9 vide email dated August 12, 2024 submitted a copy of the petition for civil and criminal contempt, the contents of which are not clear. However, it is observed that nothing has been submitted regarding the allegations levelled against the said Noticee in the SCN.
22. Thereafter, an opportunity of personal hearing was granted to the Noticees. Initially, the personal hearing in the matter was scheduled on September 24-25, 2024 (Noticee No.1-8 on September 24 and Noticee No.9-11 on September 25). On the said date, Noticee No.9 did not appear. Noticee No. 1-8 and 11 vide email dated September 23, 2024 and Noticee No. 10 vide email dated September 18, 2024, sought adjournment of the personal hearing and requested to schedule the same post October 07, 2024. Accordingly, the personal hearing of the said Noticees was rescheduled to October 09, 2024. However, the AR of Noticee No.1-8 and 11 again requested for adjournment of personal hearing and also informed that Noticee No.4,5,6,7,8 and 11 have appointed a new Authorised Representative ('new AR'). The new AR vide email dated October 18, 2024 also requested adjournment of personal hearing scheduled on October 09, 2024. The requests of the AR and new AR was not accepted on the ground that while allowing the adjournment of hearing of September 23, 2024, it was informed to the said Noticees that further request for adjournment shall not be entertained.
23. On October 09, 2024, Noticee No. 10 appeared before the undersigned and reiterated the reply submitted vide letter dated August 31, 2024. Further, he requested 5 days' time to submit supplementary reply which was accepted. The AR and new AR vide separate emails dated October 09, 2024 again requested to adjourn the personal hearing citing engagements elsewhere. In the meantime, it was brought to the notice of undersigned that Noticee No.1-8 and 11 have filed settlement applications under SEBI (Settlement Proceedings) Regulations, 2018 to settle the instant matter. Consequently, the matter was kept on hold till the final outcome of the said settlement applications as per relevant provision of the said Regulation.

24. However, SEBI vide letter dated November 19, 2024 rejected the settlement applications filed by the aforementioned Noticees. Subsequent to which Noticee No.1-8 and 11 were again provided fresh opportunity of personal hearing on December 09, 2024. The AR and new AR appeared before the undersigned on the said date and made their submissions. During the hearing, the AR stated that no evidence has been produced by SEBI to demonstrate that the videos were uploaded on Youtube by Noticee No.1 and 2. The new AR stated that the grounds on which the connections among the Noticees are envisaged in the SCN is vague and also stated that the phone calls alone cannot be considered as a ground for conspiracy.
25. At the outset, I note that, Noticee No. 1-8 and 11 through their AR have contended the violation of principles of natural justice. In this regard, the said Noticees have contended that they were wrongly denied the opportunity of inspection of original documents as relied upon by SEBI in the SCN. It was submitted that SEBI's rejection is in gross violation of the principles of natural justice as the said Noticees were rightfully entitled to inspect each and every original document as relied upon by SEBI. In this regard, reliance was placed on the judgments of ***T. Takano v. Securities & Exchange Board of India*** (2022) 8 SCC 162, ***Kashinath Dikshita v. Union of India & Ors.*** (1986) 3 SCC 229, ***Price Waterhouse v Securities and Exchange Board of India*** (Appeal No. 8 of 2011 decided on 01.06.2011), ***Mjs Amadhi Investments Ltd v Securities and Exchange Board of India*** (Appeal No. 186 of 2010 decided on 03.08.2011).
26. With regard to the above contention of violation of principles of natural justice due to denial of request to inspection of original documents, I note that the AR, vide email dated October 08, 2024, was informed that SEBI is not in possession of any original document in the instant matter. I also note that with respect to the list of documents requested by the AR, following was communicated alongwith the copy of Investigation Report (IR) and its annexures vide email dated August 20, 2024 –

S.No.	Document Requested by the AR	Reference in SCN	Provided Annexures with SCN
1	Copy of the complaint received by SEBI	Para 1, Page 12	No. Provided in IR at Annexure 2
2	Copy of the records of MR Gyanshyambhai Ambalal Thakkar, Mrs Heean Ullash Parikh, M/s Aashka Construction Private Limited, M/s Vir Decorative sheets Private Limited and M.s Pinkrose Distributors Pvt Ltd., selling the shares of the company	Para 12, page 5	No. Already part of IR.
3	Copy of the YouTube videos uploaded on the two YouTube channels namely "The Advisor" and "Moneywise".	para 15, page 6	Yes. Annexure 6A
4	Copy of the Data Analytics of YouTube videos uploaded on the two YouTube channels namely "The Advisor" and "Moneywise".	para 15, page 6	Yes. Annexure 9
5	Copy of the transaction referring to the Noticee No. 2 paying an amount of INR 4,43,32,971 to Google AdSense	Para 23, Page 12	Yes (Annexure 3) (Mr Manish Mishra Bank statement period 03.07.2022 to 06.12.2022- Google Ads)
6	Company of company emails dated February 06, 2024 and October 14, 2022	Para 24, Page 12	No (Annexure 6 of IR)
7	Proof Substantiating that Manish Mishra was the administrator of both YouTube channels namely "The Advisor" and "Moneywise".	Para 34, Page 16	Yes (Annexure 9) (Information also available in public domain vide SEBI order in the matter of Sadhana Broadcast and Sharpeline)
8	Copy of Share purchase details of Noticee No. 2 to 11	Para 35, Page 16	Provided in SCN itself
9	Copy of trading account details of Mrs Anshu Mishra (Noticee No 3)	Para 39, Page 17	Yes (Annexure 2)
10	Copy of email dated January 31, 2024 received from Mr Ashish Shah	Para 45, Page 22	No
11	Copy of the email dated March 15, 2024 received from Google	Para 46, Page 18	Yes (Annexure 9) (Youtube Channel Information also available in public domain vide SEBI order in the matter of Sadhana Broadcast and Sharpline)
12	Copy of trading account details of Noticee No. 4-6	Para 51, Page 20	Yes (Annexure 2)
13	Portfolio details of M/s Umesh Balkrishan Tibrewala HUF and Mr Anand Suresh bhai Lavingia	Para 68 & 69, page 26	Provided in SCN itself

27. From the above table, I note that all the documents requested by the AR of Noticee No.1-8 were provided either alongwith IR and its annexures or with the SCN. Since SEBI admittedly is not in possession of any document in original (communicated to the AR vide email dated October 08, 2024) in the instant matter, the request of inspection of documents in original was considered futile and hence not accepted. Hence, I note that Noticees were given sufficient time to respond to the allegations and were also provided with all the relevant material/documents in the instant matter. In compliance with the orders of Hon'ble Supreme Court, a copy of IR alongwith its annexures were duly shared with the AR. Hence, I note that all the documents relevant and relied upon in the instant matter and in possession of SEBI were shared with the Noticees as and when requested. Accordingly, the contention that denial of inspection of original documents by SEBI is in violation of principles of natural justice cannot be accepted for the reasons stated above. Further, the submission that by withholding the important documents SEBI has hampered the ability of Noticees to submit a complete and comprehensive reply is also devoid of any merit. As noted above the documents and data requested by the AR were duly provided.

28. From the above, I note that the SCN was duly served to the Noticees and sufficient time was also provided to submit their replies. Thereafter an opportunity of personal hearing was provided to the Noticees, which was availed by them. Hence, the principles of natural justice were complied with respect to the Noticees and I shall now proceed to deal with the key issues involved in the instant matter.

Issues for consideration

29. Upon perusal of the observations and allegations brought out in the SCN, the replies filed by the Noticees, oral / written submissions made by them and other material available on record, the following issues arise for consideration in the present proceedings:

(1) Whether the Noticees have violated the provisions of PFUTP Regulations and SEBI Act as alleged above?

(2) If the violations alleged against the Noticees have been established, what directions are required to be issued and what is the amount of monetary penalty that is required to be imposed on the Noticees?

30. Before proceeding further, I would like to refer to the relevant provisions of SEBI Act and PFUTP Regulations that are alleged to have been violated by the Noticees, as per the SCN. The said provisions are reproduced herein below:

SEBI ACT, 1992

12A. Prohibition of Manipulative and Deceptive Devices, Insider Trading and Substantial Acquisition of Securities or Control

No person shall directly or indirectly—

- (a) use or employ, in connection with the issue, purchase or sale of any securities listed or proposed to be listed on a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of this Act or the rules or the regulations made thereunder;*
- (b) employ any device, scheme or artifice to defraud in connection with issue or dealing in securities which are listed or proposed to be listed on a recognised stock exchange;*
- (c) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person, in connection with the issue, dealing in securities which are listed or proposed to be listed on a recognized stock exchange, in contravention of the provisions of this Act or the rules or the regulations made thereunder;*

SEBI (PFUTP) Regulations, 2003:

3. Prohibition of certain dealings in securities

No person shall directly or indirectly—

- (a) buy, sell or otherwise deal in securities in a fraudulent manner;*
- (b) use or employ, in connection with issue, purchase or sale of any security listed or proposed to be listed in a recognized stock exchange, any manipulative or deceptive device or contrivance in contravention of the provisions of the Act or the rules or the regulations made there under;*
- (c) employ any device, scheme or artifice to defraud in connection with dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange;*
- (d) engage in any act, practice, course of business which operates or would operate as fraud or deceit upon any person in connection with any dealing in or issue of securities which are listed or proposed to be listed on a recognized stock exchange in contravention of the provisions of the Act or the rules and the regulations made there under.*

4. Prohibition of manipulative, fraudulent and unfair trade practices

- (1) Without prejudice to the provisions of regulation 3, no person shall indulge in a fraudulent or an unfair trade practice in securities.*
- (2) Dealing in securities shall be deemed to be a fraudulent or an unfair trade practice if it involves fraud and may include all or any of the following, namely:*
 - (a) Indulging in an act which creates false or misleading appearance of trading in the securities market,*
...
 - (d) inducing any person for dealing in any securities for artificially inflating, depressing, maintaining or causing fluctuation in the price of securities through any means including by paying, offering or agreeing to pay or offer any money or money's worth, directly or indirectly, to any person;*
...
 - (k) disseminating information or advice through any media, whether physical or digital, which the disseminator knows to be false or misleading in a reckless or careless manner and which is designed to, or likely to influence the decision of investors dealing in securities.*
...

- (r) *knowingly planting false or misleading news which may induce sale or purchase of securities.*

31. Before proceeding to deal with the above key issues, I shall first address the preliminary contentions raised by Noticee No.1 and 2 on the maintainability of the present proceedings.

- I. Firstly, it was submitted that a writ petition has been filed by Noticee No.2 before Hon'ble Gujarat High Court challenging the vires of the seizure of his mobile phones, laptops, documents and documents and records by SEBI on March 02, 2023. Stating above, it was contended that SEBI has relied on certain contents of mobile phones, laptops, documents seized on March 02, 2023 despite the issue being *sub judice* before the Gujarat High Court. Hence, the actions of SEBI are illegal and the evidences were illegally gathered by SEBI in the course of the search and seizure to make allegations.

(i) In this regard, it is pertinent to refer to the relevant provisions under SEBI Act, 1992 under which SEBI carries out search and seizure operations. Section 11C of SEBI Act gives investigating powers to SEBI. Further subsection 8 of Section 11C provides the manner in which an investigating authority can seize books, register and other records when there is reasonable ground to believe that the same may be destroyed/altered. The provision states:

“11(C) Investigation

...

(8) Where in the course of investigation, the Investigating Authority has reasonable ground to believe that the books, registers, other documents and record of, or relating to, any intermediary or any person associated with securities market in any manner, may be destroyed, mutilated, altered, falsified or secreted, the Investigating Authority may make an application to the Magistrate or Judge of such designated court in

Mumbai, as may be notified by the Central Government for an order for the seizure of such books, registers, other documents and record.

(8A) ...

(9) After considering the application and hearing the Investigating Authority, if necessary, the Magistrate or Judge of the Designated Court may, by order, authorise the Investigating Authority –

(a) to enter, with such assistance, as may be required, the place or places where such books, registers, other documents and record are kept;

(b) to search that place or those places in the manner specified in the order; and

(c) to seize books, registers, other documents and record, it considers necessary for the purposes of the investigation.”

(ii) The above provision provides a key tool in the hands of SEBI in order to effectively carry out the investigations in the circumstances where the evidences may be tampered with or destroyed. Accordingly, the above provision says that the investigation authority can, where there is reasonable ground to believe that the books, registers, other documents and record of, or relating to, any intermediary or any person associated with securities market in any manner, may be destroyed, mutilated, altered, falsified or secreted, the Investigating Authority may enter the place where such books and records are kept and seize the books and other documents and records if it is considered necessary for the purpose of investigation.

(iii) In the present case, I note that the mobile phone of Noticee No.2 was seized by SEBI and the data collected from the said device, viz. whatsapp chats etc. were, inter alia, relied upon by SEBI while framing the charges. However, I note that the contents of the mobile phone retrieved by SEBI and relied upon in the instant matter were not challenged and only the procedure employed to seize the same was contended as illegal.

(iv) In this regard, as stated above, I note that the Investigating authority is within their power to search and seize the premises of Noticee No.2 to collect evidence and hence contending the same as illegal without providing any cogent justification cannot be accepted. Regarding the petition by Noticee No.2 before Hon'ble Gujarat High Court, I note that nothing has been placed on record to suggest that the Hon'ble Gujarat High Court has stayed the instant proceedings. Hence, the present contention regarding the sustainability of instant proceedings is rejected.

II. Secondly, it was contended by Noticee No.1-8 that email addresses, phone numbers and other personal information have been made available to third parties since the SCN has been addressed to several persons thereby making available confidential and personal information relating to third parties who are not entitled to disclosure of such information, This constitutes a breach of Noticee No.1-8's fundamental right to privacy under Article 21 of the Constitution of India. Furthermore, Noticee No.1-8 stated that publication of their personal data constitutes a personal data breach under the Digital Personal Data Protection Act, 2023 ("**DPDP Act**"), as SEBI in their capacity as a Data Fiduciary as per Section 8(3), (4), (5), (6) of the DPDP Act. Since our clients' personal data was published to third parties, SEBI has not taken any reasonable steps to safeguard their data, or anonymize the same, while issuing the SCN.

(i) With regard to the instant contention, it is important to state at the outset that the SCN is not a public document and was only served to the Noticees at their personal address or their personal email. Hence, the Noticees alone can access the information/data contained in the SCN. Regarding breach of fundamental right to privacy provided under Article 21 of Constitution of India, I note that the said right is not absolute as has been held by Hon'ble Supreme Court in various judgments viz. **Justice K.S. Puttaswamy vs. Union of India** (AIR 2018 SC (SUPP) 1841). It was

held that Right to Privacy, recognised under Article 21 is not absolute and is subject to the same limitations as applicable to the said Article.

(ii) Further, the Noticees were found to be connected to each other during the investigation. Therein, it was observed that several phone calls were made among the Noticees as well as fund transfers were also observed. Additionally, the Noticees are either family members/friends/business partners of each other. The information shared with the Noticees vide the SCN was in furtherance of the principles of natural justice and no such personal data was shared with the Noticees which is not relevant to the instant proceedings.

(iii) With regard to the contention of the violation of DPDP Act, I note that the purpose of issuing the SCN will not be fulfilled if complete information is not shared with the Noticees against whom the violations were alleged. The principles of natural justice require that an individual should be provided with all the tools to defend themselves. The same is also recognised under DPDP Act, wherein certain exemptions has been provided under Section 17 of DPDP Act in this regard. The relevant extract of the said provision is produced below:

“17. Exemptions

(1) The provisions of Chapter II, except sub-sections (1) and (5) of section 8, and those of Chapter III and section 16 shall not apply where—

(a) ...

(b) the processing of personal data by any court or tribunal or any other body in India which is entrusted by law with the performance of any judicial or quasi-judicial or regulatory or supervisory function, where such processing is necessary for the performance of such function;”

(iv) I also note that the submission ‘*the act of publishing our clients' personal data is not proportional, does not fulfil a requisite need, or any compelling state interest*’ was not substantiated and the was made in a

reckless manner as seen in paragraphs above. Hence, the contention is not accepted.

32. Having dealt with the preliminary contentions regarding maintainability of instant proceedings, I shall now proceed to address the key issues in light of the facts of the case and the submissions made by the Noticees.

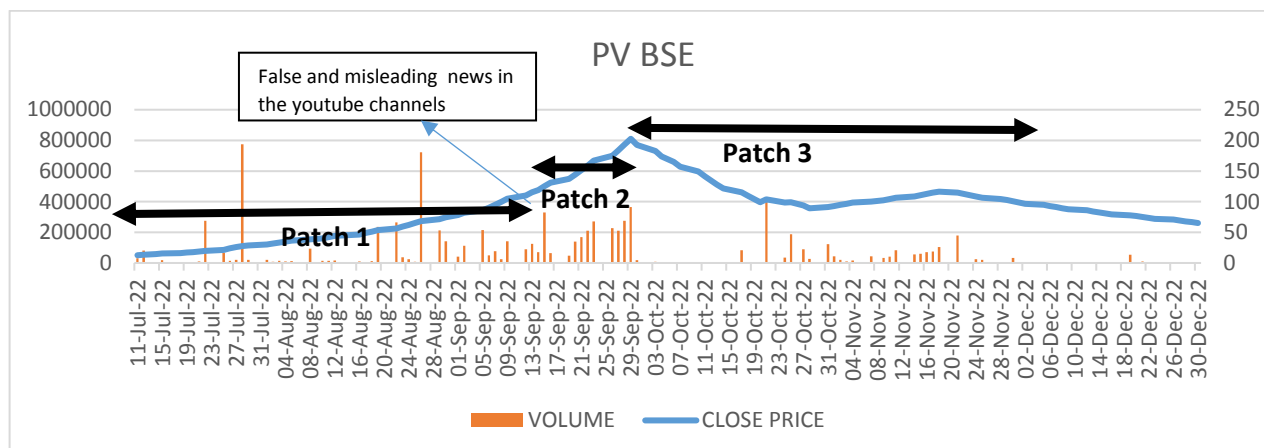
Findings on Issues

Issue No. 1 - Whether the Noticees have violated the provisions of PFUTP Regulations and SEBI Act as alleged above?

33. During the investigation, it was observed that the Noticees in the instant matter allegedly deployed the scheme wherein misinformation was spread regarding the company, PSSIL, using YouTube platform to make the scrip artificially attractive. The shares of PSSIL were allegedly bought and then sold by certain Noticees prior to and post spreading the said misinformation. Resultantly, these Noticees made profits by trading in the scrip of PSSIL, which showed positive upward price movement and enhanced liquidity due to the said misinformation. Following is the timeline of events that unfolded.

- a. July 16, 2015 → The scrip of PSSIL was listed on BSE Limited.
- b. August 27, 2015 → Trading in the securities got suspended as part of surveillance measure.
- c. July 11, 2022 → The suspension of trading in the securities of PSSIL was revoked w.e.f. July 11, 2022.
- d. July 11, 2022 to September 15, 2022 → Noticee No.2-11 started buying shares of PSSIL in huge quantities.
- e. September 15, 2022 – September 30, 2022 → YouTube Videos related to PSSIL were uploaded and advertised recommending buying the shares of PSSIL.
- g. September 30, 2022 to December 06, 2022 → Post removal of advertisement of YouTube Videos the price and volume in the scrip went down.

34. The patch wise price and volume movement in the PSSIL scrip adjusted for split 10:1 (ex-date – November 16, 2022) is given below.



Connection among the Noticees

35. I note that the allegation in the instant matter is that all the Noticees were acting in tandem in furtherance of the scheme to make the scrip of PSSIL artificially attractive and make profits. Hence, at the outset, it is imperative to analyse how all the Noticees were found to be connected to each other. As per SCN, the following connection between the Noticees based on KYC, fund transfers and call data recordings (CDRs) were discovered:

Table-1

S. No	Noticee	Connected with	Basis of connection
1)	Manish Mishra	1. Anshu Mishra 2. Purav Bharatbhai Patel 3. Saurabh M. Patel 4. Hansaben Bharatbhai Patel	1. Husband of Anshu Mishra. 2. Calls between Manish Mishra (886xxxx117 ¹) and - Purav Bharatbhai Patel (860xxxx345) - Saurabh M Patel (851xxxx99) - Hansaben Bharatbhai Patel (728xxxx254) - Anshu Mishra (730xxxx572)
2)	Anshu Mishra	1. Manish Mishra 2. Purav Bharatbhai Patel	1. Wife of Manish Mishra 2. Calls between Anshu Mishra (730xxxx572) and - Manish Mishra (886xxxx117) - Purav Bharatbhai Patel (860xxxx345)
3)	Hansaben Bharatkumar Patel	1. Purav Bharatbhai Patel 2. Sejal P Patel	1. Based on KYC, Purav Bharatbhai Patel, Sejal P Patel, Hansaben Bharatkumar Patel shared common address "8 Mitramandal Society Opp Paritosh Building Usmanpura Ahmedabad".

¹ Mobile Numbers have been masked to ensure privacy.

S. No	Noticee	Connected with	Basis of connection
			2. Hansaben Bharatkumar Patel is the Mother of Purav Bharatbhai Patel.
4)	Purav Bharatbhai Patel	1. Manish Mishra 2. Umesh Balkrishan Tibrewala 4. Anshu Mishra 5. Saurabh M. Patel 6. Sejal P. Patel 8. Lavingia Anand Sureshbhai 9. Hansaben Bharatkumar Patel	1. Manish Mishra vide email dated 09.02.2024 informed that Purav Patel is the Husband of Sejal P Patel and son of Hansaben Bharatkumar Patel. 2. Manish Mishra vide email dated 09.02.2024 informed that Saurabh M Patel is the cousin of Purav Bharatbhai Patel. 3. Bank transaction between Purav Patel and Saurabh M Patel, Lavingia Anand Sureshbhai. 4. Based on KYC, Purav Bharatbhai Patel, Sejal P Patel, Hansaben Bharatkumar Patel shared common address "8 Mitramandal Society Opp Paritosh Building Usmanpura Ahmedabad". 3. Calls between Purav Bharatbhai Patel (860xxxx345) and - Saurabh M Patel (851xxxx799) - Hansaben Bharatbhai Patel (728xxxx254) - Sejal Patel (937xxxx918) - Anshu Mishra (730xxxx572)
5)	Sejal P Patel	1. Purav Bharatbhai Patel 2. Hansben Bharatbhai Patel 3. Saurabh M Patel 4. Hansaben Patel 5. Anshu Mishra	1. Based on KYC, Purav Bharatbhai Patel, Sejal P Patel, Hansaben Bharatkumar Patel shared common address "8 Mitramandal Society Opp Paritosh Building Usmanpura Ahmedabad". 2. Sejal P Patel is the wife of Purav Bharatbhai Patel. 3. Bank transaction between Sejal P Patel and Hansaben Bharatbhai Patel. 4. Calls between Sejal Patel (937xxxx918) and - Purav Bharatbhai Patel (860xxxx345) - Anshu Mishra (730xxxx572) - Saurabh M Patel (851xxxx799) - Hansaben Bharatbhai Patel (728xxxx254)
6)	Saurabh Madhusudan Patel	1. Saurabh M Patel HUF 2. Purav Bharatbhai Patel 3. Umesh Balkrishan Tibrewala 4. Vivek Chauhan (Noticee No.11)	1. Vivek Chauhan (Noticee No.11) and Saurabh M Patel are connected since they are the partners of the Hi Tech Stock Holding. 2. Bank Transaction between Saurabh M Patel and Vivek Chauhan (Noticee No.11) 3. Saurabh M Patel is the Karta of Saurabh M Patel HUF. 4. Saurabh M Patel is the cousin of the Purav Bharatbhai Patel. 5. Calls between Saurabh M Patel (851xxxx799) and - Umesh Balkrishan Tibrewala (932xxxx047) - Purav Bharatbhai Patel (860xxxx345) - Manish Mishra (886xxxx117)

S. No	Noticee	Connected with	Basis of connection
7)	Saurabh M Patel Huf	1. Saurabh M Patel	1. Connected with HUF as Karta.
8)	Umesh Balkrishan Tibrewala Huf	1. Hansaben Patel 2. Purav Bharatbhai Patel 3. Sejal patel 4. Saurabh M Patel	1. Umesh Balkrishan Tibrewala is connected with Hi Tech Stock Holding since Umesh Tibrewala is the dealer of the Hi Tech Stock Holding trades in PSSIL Scrip. 2. Calls between Umesh Balkrishan Tibrewala (932xxxx047) and - Hi-Tech Stock Holding (989xxxx204) - Purav Bharatbhai Patel (860xxxx345) - Saurabh M Patel (851xxxx799)
9)	Anand Sureshbhai Lavingia Huf	1. Purav Bharatbhai Patel 2. Hansaben Bharatkumar Patel 3. Saurabh M Patel	1. Bank Transaction between Anand Sureshbhai Lavingia HUF and Purav Bharatbhai Patel. 2. Connected with PSSIL as Anand Lavingia was appointed as 35th AGM's Voting Scrutinizer by the board on September 30, 2022. 3. Calls between Anand Sureshbhai Lavingia (942xxxx481) and - Purav Bharatbhai Patel (860xxxx345) - Saurabh M Patel (851xxxx799) - Hansaben Bharatbhai Patel (728xxxx254)
10)	Vivek Chauhan (Noticee No.11)	1. Saurabh M.Patel	1. Connected with Saurabh M Patel and Hi tech Stock Holding as common partners.
11)	Vivek Chauhan (Noticee No.1)	1. Anshu Mishra 2. Manish Mishra 3. PSSIL	1. Vivek Chauhan (CFO) of PSSIL was connected to Anshu Mishra through common directorship in Laddu Gopal Ventures Private Limited. 2. WhatsApp chats between Manish Mishra and Vivek Chauhan (CFO) regarding channel discussions. 3. Calls between Vivek Chauhan (CFO) (999xxxx279) and - Anshu Mishra (730xxxx572) - Manish Mishra (886xxxx117)

36. It was also observed that numerous calls were made among Mr. Vivek Chauhan (Noticee No.1), Mr. Manish Mishra (Noticee No.2) and Mrs. Anshu Mishra (Noticee No. 3) during the YouTube videos upload period. In addition, Mr. Manish Mishra had regular calls with Mr. Purav Bharatbhai Patel, Mrs. Hansaben Bharatkumar Patel and Mrs. Sejal P Patel during the IP. It was also found that Mr. Saurabh M Patel is friend of Manish Mishra and cousin of Mr. Purav Bharatbhai Patel. Mr. Purav Bharatbhai Patel had regular calls with Mr. Anand Sureshbhai Lavingia and Mr. Umesh Balkrishan Tibrewala, karta of Umesh Balkrishan Tibrewala HUF, during the

YouTube videos upload period. Mr. Vivek Chauhan (Noticee No. 11) was one of the partners of M/s. Hi Tech Stock Holding in which Mr. Saurabh M Patel (Noticee No.7) was also a partner.

37. I note from SCN that following are the call details among the Noticees during the IP:

Calls between Mr. Manish Mishra, Mrs. Anshu Mishra and Mr. Vivek Chauhan				
Month	Noticee (A)	Noticee (B)	No. of Calls	Duration in Seconds
July to Dec 2022	Manish Mishra (886xxxx117)	Vivek Chauhan (CFO) (999xxxx279)	91	7,562
	Anshu Mishra (730xxxx572)	Vivek Chauhan (CFO) (999xxxx279)	20	1,984
	Anshu Mishra (730xxxx572)	Manish Mishra (886xxxx117)	541	41,110

Calls between Mr. Manish Mishra, Mr. Purav Bharatbhai Patel, Mrs. Hansaben Bharatkumar Patel and Mrs. Sejal P Patel					
Month	Name of the Noticee	Mobile Number	Manish Mishra Mobile Number	No. of Calls	Duration (in Seconds)
Jul-22	Mr. Purav Bharatbhai Patel	860xxxx345	886xxxx117	116	11650
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		
	Mrs. Sejal P Patel	937xxxx918	927xxxx000		
Aug-22	Mr. Purav Bharatbhai Patel	860xxxx345	886xxxx117	99	7678
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		
Till Sep 15, 2022	Mr. Purav Bharatbhai Patel	860xxxx345	886xxxx117	48	5894
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		

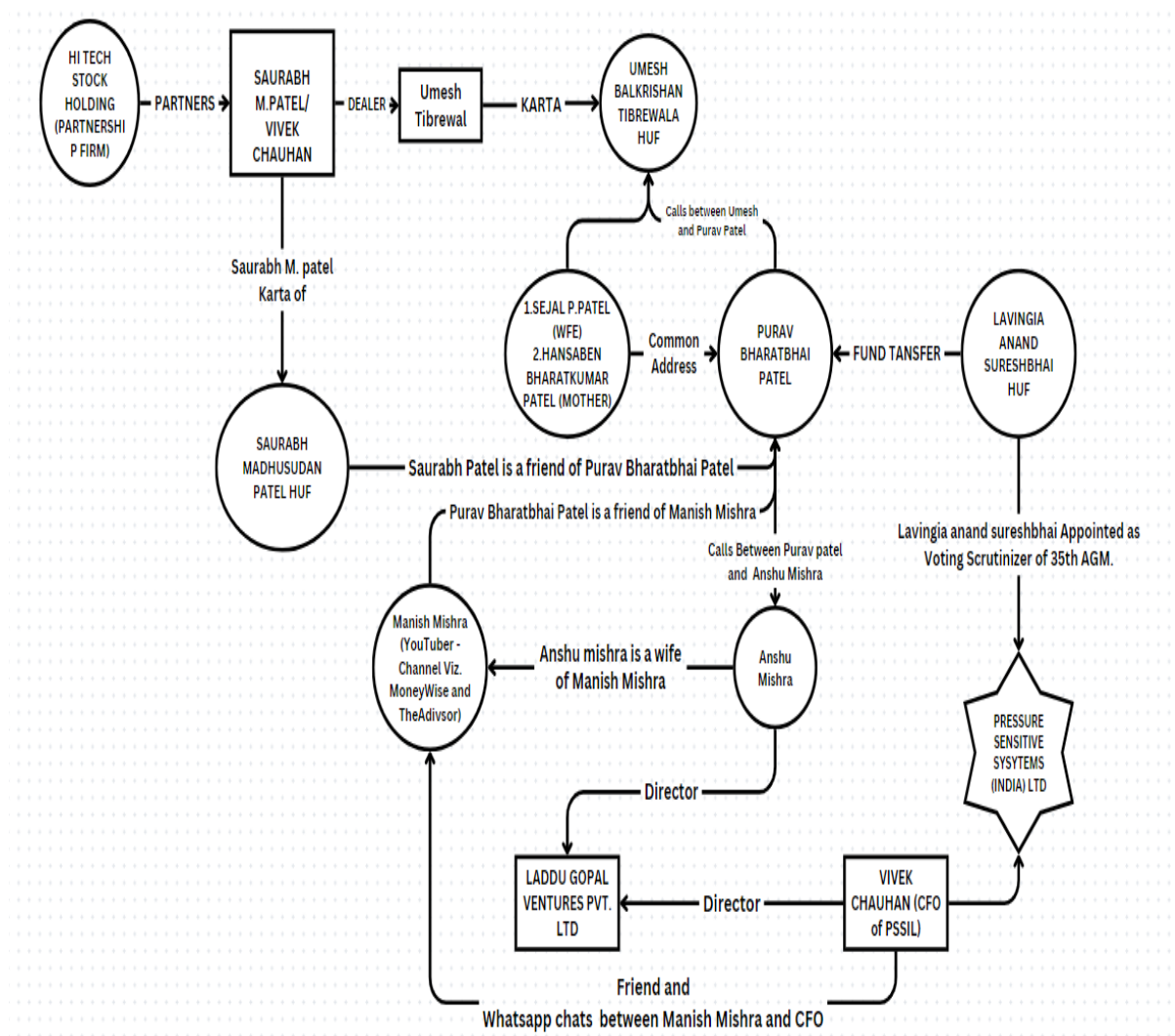
Calls between Mr. Purav Bharatbhai Patel, Mr. Anand Sureshbhai Lavingia and Mr. Umesh Balkrishan Tibrewala.					
Calls between Mr. Anand Sureshbhai Lavingia and Mr. Saurabh M Patel					
MONTH	NAME OF THE NOTICEE	MOBILE NUMBER	PATEL GROUP MOBILE NUMBER	NO. OF CALLS	DURATION (IN SECONDS)
JUL-22	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	860xxxx345 (Mr. Purav Patel)	20	1,201
			7283970254 (Mrs. Hansaben Patel)		
			851xxxx799 (Mr. Saurabh M Patel)		
AUG-22	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	860xxxx345 (Mr. Purav Patel)	88	5,755
			728xxxx254 (Mrs. Hansaben Patel)		
	Mr. UMESH BALKRISHAN TIBREWALA	932xxxx047	851xxxx799 (Mr. Saurabh M Patel)		
TILL SEPTEMBER 15, 2022	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	860xxxx345 (Mr. Purav Patel)	27	3,061
			728xxxx254 (Mrs. Hansaben Patel)		
	Mr. UMESH BALKRISHAN TIBREWALA	932xxxx047	851xxxx799 (Mr. Saurabh M Patel)		

38. I note that, during the investigation it was observed that there were bank transactions between Mrs. Hansaben Patel (Bank account Joint holder is Mr. Purav Patel) and Mr. Saurabh Patel on 29/11/2022 during the IP. Further, bank transactions between Mr. Purav Patel and Mr. Anand Sureshbhai Lavingia on 13/09/2022 i.e. during the IP, were also observed. The same has been confirmed by Mr. Anand Sureshbhai Lavingia.

39. I note from the SCN that Mr. Vivek Chauhan (Noticee No. 11) was one of the partners of M/s. Hi Tech Stock Holding in which Mr. Saurabh M Patel (Noticee No.7) was also the partner. Mr. Umesh Balkrishan Tibrewala was the Karta of M/s. Umesh Balkrishan Tibrewala HUF. Mr. Umesh Balkrishan Tibrewala and Mr. Anand Sureshbhai Lavingia were connected to the *Patel Group* through the calls. This inference is based on the details given below:

MONTH	NAME OF THE NOTICEE	MOBILE NUMBER	PATEL GROUP MOBILE NUMBER	NO. OF CALLS	DURATION (IN SECONDS)
JUL-22	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	860xxxx345 (Mr. Purav Patel)	20	1,201
			728xxxx254 (Mrs. Hansaben Patel)		
			851xxxx799 (Mr. Saurabh M Patel)		
AUG-22	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	860xxxx345 (Mr. Purav Patel)	88	5,755
	Mr. UMESH BALKRISHAN TIBREWALA	932xxxx047	728xxxx254 (Mrs. Hansaben Patel)		
TILL SEPTEMBER 15, 2022	Mr. ANAND SURESHBHAI LAVINGIA	942xxxx481	851xxxx799 (Mr. Saurabh M Patel)	27	3,061
			860xxxx345 (Mr. Purav Patel)		
	Mr. UMESH BALKRISHAN TIBREWALA	932xxx047	728xxxx254 (Mrs. Hansaben Patel)		

40. The pictorial representation of the above connection among the Noticees is provided below:



41. With regard to the aforesaid connection among the Noticees, Noticee No.1-8 and 11 have contended that merely making phone calls and having fund transactions cannot be considered as a ground to allege malpractice against the Noticees. It was further stated that the connections established by SEBI is based on conjectures and surmises and using the same to allege manipulation is absurd. With regard to 'Mishra Group' and 'Patel Group' it was contended that, 'SEBI has conveniently divided the Noticees into 'Mishra Group' and 'Patel Group' without any concrete and credible evidences to address them as connected entities. Family members and close friends often make frequent phone calls and the same should not be viewed with suspicious eyes.'

42. For the above submissions of Noticees No.1-8 and 11, I note that none of the Noticees have denied the findings on '*basis of connection*' among the Noticees provided in Table-1. I further note that in the instant matter, the nature of violations alleged against the Noticees makes it indispensable at the part of SEBI to analyse whether the Noticees are connected with each other. The two groups i.e. '*Mishra Group*' and '*Patel Group*' were created to club together the members of two families who were found to be trading in the scrip of PSSIL during IP. Only once the connection among a group of people is discovered, they can be assumed to be acting in concert in furtherance of a common objective. The connection among the Noticees, in the instant matter, is not the only ground to allege the violations rather it was the entire scheme, as detailed in the previous paragraphs, which was analysed and after considering the facts in entirety the violations against the Noticees were alleged.

43. In view of the above, I note that the Noticees were connected with each other as demonstrated in paragraphs above.

I. PATCH - I Purchase of shares of PSSIL by VCs

Mishra Group

44. It was observed that Noticee No. 2 and 3 viz., Mr. Manish Mishra and his wife Mrs. Anshu Mishra were trading in the scrip of PSSIL during the IP. These two entities are referred as "*Mishra Group*".

Patch-1 Net Buy:

45. I note from the SCN that Mr. Manish Mishra had opened trading account with Kotak Securities Limited on January 25, 2022 and Mrs. Anshu Mishra had opened trading with MNM Stock Broking Private Limited on July 01, 2022. It is observed that the Mishra group bought 2,78,565 shares in two trading days and did not sell any shares during Patch-1 i.e., before uploaded the false and misleading videos in YouTube channels.

a. Day-wise Mishra group buy and sell during the Patch-1 is given below:

TRADE DATE	BUY TQ	SELL TQ	NET BUY
05/09/2022	1,63,850	0	1,63,850
15/09/2022	1,14,715	0	2,78,565
TOTAL	2,78,565	0	

46. Noticee-wise Mishra group buy and sell during the Patch-1 is given below:

NOTICEE NAME	TRADE DATE	Buy TQ	Net Buy	Net Buy TV	Buy AR
Mrs. ANSHU MISHRA	05/09/2022	115,000	115,000	9,907,250	86.15
Mr. MANISH MISHRA	05/09/2022	48,850	48,850	4,208,428	
Mr. MANISH MISHRA	15/09/2022	114,715	163,565	13,521,182	108.39
Grand Total		278,565	278,565		

47. Hence, it is observed from the table above that *Mishra Group* was accumulating the shares of PSSIL during Patch-I.

Patel Group

48. It was found that five of the Noticees belonged to the Patel family and friends viz., Mr. Purav Bharatbhai Patel, Mrs. Hansaben Bharatkumar Patel, Mrs. Sejal P Patel, Mr. Saurabh Madhusudan Patel and M/s. Saurabh M Patel HUF. These five entities are referred as "*Patel Group*". The relationship details are given below:

- 1 Mrs. Hansaben Bharatkumar Patel is the Mother of Mr. Purav Bharatbhai Patel.
- 2 Mrs. Sejal P Patel is the wife of Mr. Purav Bharatbhai Patel.
- 3 Mr. Saurabh M Patel is cousin/friend of Mr. Purav Bharatbhai Patel.

49. Connection of *Patel Group* with *Mishra Group*: It was found that Mr. Manish Mishra (886xxxx117) who has allegedly planted the false and misleading news about PSSIL is connected with Patel family through the calls during the IP viz., Mr. Purav Bharatbhai Patel (860xxxx345), Mr. Saurabh M Patel (851xxxx799) and Mrs. Hansaben Bharatbhai Patel (728xxx254). The call details are given below:

Month	Name of the Noticee	Mobile Number	Manish Mishra Mobile Number	No. of Calls	Duration (in Seconds)
Jul-22	Mr. Purav Bharatbhai Patel	860xxxx345	886xxxx117	116	11650
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		
	Mrs. Sejal P Patel	937xxxx918	927xxxx000		
Aug-22	Mr. Purav Bharatbhai Patel	860xxxx345	886xxxx117	99	7678
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		
Till Sep 15, 2022	Mr. Purav Bharatbhai Patel	8609812345	886xxxx117	48	5894
	Mrs. Hansaben Bharatkumar Patel	728xxxx254	927xxxx000		

Patch-1 Net Buy:

50. I note from the SCN that Mr. Purav Bharatbhai Patel had opened trading account with IIFL Securities Limited on July 11, 2022, Mrs. Hansaben Bharatbhai Patel had opened trading account with Airon Finstocks Private Limited on September 20, 2019, Mrs. Sejal Patel had opened trading account with FRR Shares and Securities Ltd., on February 10, 2020 and Mr. Saurabh M Patel HUF had opened trading account with IIFL Securities Ltd., on February 23, 2022. It was observed that the Patel group bought 6,81,724 shares, sold 34,931 shares i.e. net buy of 6,46,793 shares during the Patch-1

51. Day-wise Patel group buy and sell during the Patch-1 is given below:

TRADE DATE	BUY TQ	SELL TQ	Net Buy
28/07/2022	2,90,852	0	290852
08/08/2022	15,010	0	305,862
19/08/2022	15,315	0	321,177
22/08/2022	1,45,000	0	466,177
26/08/2022	28,790	0	494,967
30/08/2022	47,998	0	542,965
02/09/2022	5,800	0	548,765
09/09/2022	22,056	18,763	552,058
12/09/2022	6,550	0	558,608
13/09/2022	73,026	0	631,634
14/09/2022	0	11122	620,512
15/09/2022	31,327	5046	646,793
TOTAL	6,81,724	34,931	646,793

52. Noticee-wise Patel group buy and sell during the Patch-1 is given below:

NOTICEE	TRADE DATE	Buy TQ	Sell TQ	Net Buy
Mrs. HANSA B PATEL	28/07/2022	250,000	-	250,000
Mrs. HANSA B PATEL	22/08/2022	75,000	-	325,000
Mrs. HANSA B PATEL	30/08/2022	20,000	-	345,000
Mrs. HANSA B PATEL	09/09/2022	5,500	10,000	340,500
Mrs. HANSA B PATEL	13/09/2022	6,300	-	346,800
Mrs. HANSA B PATEL	14/09/2022		80	346,720
Mrs. HANSA B PATEL	15/09/2022	10	-	346,730
Mrs. HANSA B PATEL	15/09/2022	10,000	-	356,730
Mr. PURAV BHARATBHAI PATEL	28/07/2022	100	-	100
Mr. PURAV BHARATBHAI PATEL	22/08/2022	70,000	-	70,100
Mr. PURAV BHARATBHAI PATEL	26/08/2022	28,790	-	98,890
Mr. PURAV BHARATBHAI PATEL	30/08/2022	27,998	-	126,888
Mr. PURAV BHARATBHAI PATEL	02/09/2022	300	-	127,188
Mr. PURAV BHARATBHAI PATEL	09/09/2022	16,556	8,763	134,981
Mr. PURAV BHARATBHAI PATEL	12/09/2022	6,550	-	141,531
Mr. PURAV BHARATBHAI PATEL	13/09/2022	66,726	-	208,257
Mr. PURAV BHARATBHAI PATEL	14/09/2022		11,042	197,215
Mr. PURAV BHARATBHAI PATEL	15/09/2022	21,317	5,046	213,486

NOTICEE	TRADE DATE	Buy TQ	Sell TQ	Net Buy
M/s. SAURABH M PATEL HUF	19/08/2022	15,315	-	15,315
Mr. SAURABH MADHUSUDAN PATEL	28/07/2022	22,100	-	22,100
Mrs. SEJAL P PATEL	28/07/2022	18,652	-	18,652
Mrs. SEJAL P PATEL	08/08/2022	15,010	-	33,662
Mrs. SEJAL P PATEL	02/09/2022	5,500	-	39,162
Total		681,724	34,931	646,793

53. It is observed from the above table that Patel group had accumulated the shares in 11 trading days before the said false and misleading videos were uploaded on YouTube. The total net buy of the Patel group during Patch-1 is 6,46,793 shares.

M/s. Umesh Balkrishan Tibrewala HUF, Mr. Anand Sureshbhai Lavingia and Mr. Vivek Chauhan (Noticee No. 9, 10 and 11 respectively)

54. As per the scheme, Noticee No. 9, 10 and 11 allegedly, in connivance with *Patel Group* bought shares of PSSIL before the false and misleading videos in YouTube channels were planted and sold the shares after the impact of the price and volume as a result of the impact of the false and misleading videos in YouTube channels.

Patch-1 Net Buy

55. I note from the SCN that-

I. M/s. Umesh Balkrishan Tibrewala HUF had opened trading account with IIFL Securities Ltd., on June 22, 2022. It is observed that M/s. Umesh Balkrishan Tibrewala HUF bought 73,507 shares and sold 4507 shares and net buy of 69,000 shares during Patch-I.

II. Mr. Anand Sureshbhai Lavingia had opened trading account with Beeline Broking Limited on August 31, 2017. It is observed that Mr. Anand Sureshbhai Lavingia bought 5,039 shares of PSSIL and did not sell during Patch-I.

III. Mr. Vivek Chauhan had opened trading account with Profitmart Securities Pvt. Ltd., on August 23, 2021. It is observed that Mr. Vivek Chauhan bought 2,640 shares of PSSIL and did not sell any during Patch-I.

56. The day-wise and the Noticee wise details of above Noticees are given below:

NOTICEE	TRADE DATE	Buy TQ	Sell TQ	Net buy
M/s. UMESH BALKRISHAN TIBREWALA HUF	22/08/2022	27500	-	27500
M/s. UMESH BALKRISHAN TIBREWALA HUF	29/08/2022	7	-	27507
M/s. UMESH BALKRISHAN TIBREWALA HUF	02/09/2022	32000	-	59507
M/s. UMESH BALKRISHAN TIBREWALA HUF	06/09/2022		4507	55000
M/s. UMESH BALKRISHAN TIBREWALA HUF	09/09/2022	10000	-	65000
M/s. UMESH BALKRISHAN TIBREWALA HUF	15/09/2022	4000	-	69000
Mr ANAND SURESHBHAI LAVINGIA	22/08/2022	3839	-	3839
Mr. ANAND SURESHBHAI LAVINGIA	26/08/2022	1200	-	5039
Mr. VIVEK CHAUHAN	28/07/2022	1500	-	1500
Mr. VIVEK CHAUHAN	22/08/2022	400	-	1900
Mr. VIVEK CHAUHAN	26/08/2022	740	-	2640

57. It is observed from the above that M/s. Umesh balkrishan Tibrewala HUF (Noticee No.9), Mr. Anand Sureshbhai Lavingia (Noticee No.10) and Mr. Vivek Chauhan (Noticee No.11) were accumulating the shares of PSSIL before the false and misleading videos about the company were uploaded on YouTube on September 15, 2022 after market hours.

58. Thereafter, during Patch-2, Noticee No. 2-11 (VCs) sold the shares of PSSIL, allegedly after the impact of the price, volume and entry of new investors in the scrip as a result of the false and misleading YouTube videos about PSSIL.

II. PATCH - II Uploading misleading videos on YouTube:

59. It is alleged in the SCN that on September 15-16, 2022, false and misleading videos ("**YouTube videos**") about the company PSSIL were uploaded on two YouTube channels namely, "*The Advisor*" and "*Moneywise*" ("**YouTube Channels**"). It was observed during the investigation that these YouTube videos peddled false and misleading news to recommend that investors should buy the PSSIL stock for extraordinary profits. The said YouTube videos were uploaded in Google's YouTube Channels then it was advertised through Google AdSense. Based on Google's submissions, it was found that advertisements related to videos related to Pressure/PSSL were in circulation till September 2022 and attracted 46,02,062 views (clicks) in Google AdSense. It was also informed by Google vide email dated March 15, 2024 that the YouTube videos were deleted from YouTube Channels on September 26, 2023.

60. The screenshot of the YouTube channels' homepages is given below showing lakhs of subscribers:

Image 1

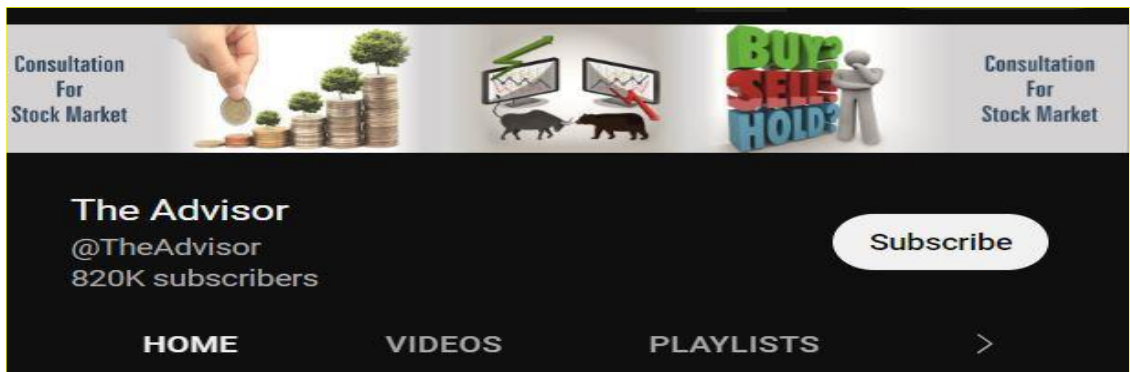
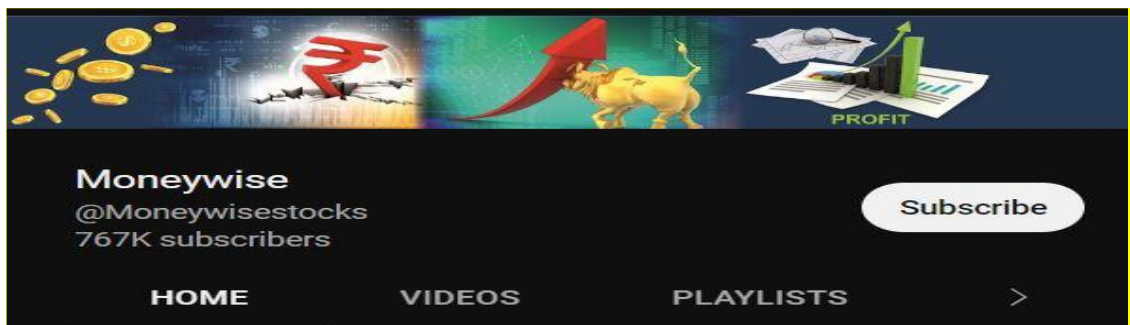
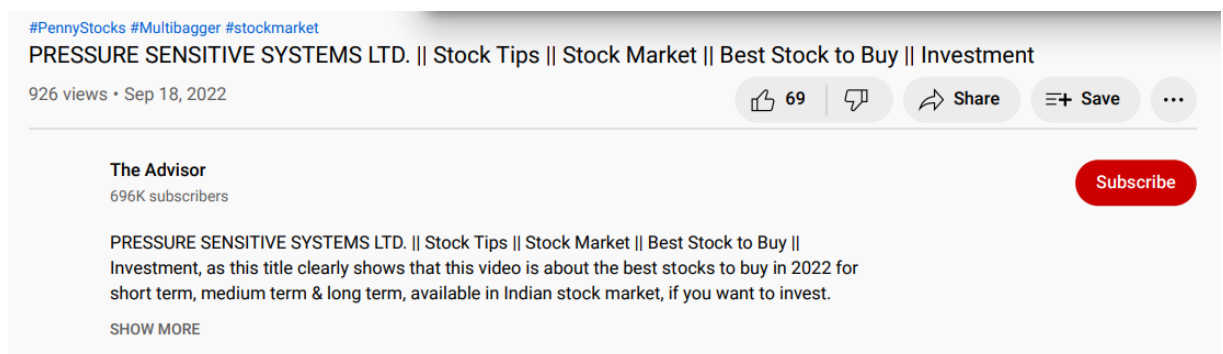


Image 2



61. Further, I note from SCN that the video links shared by the complainants were searched in <https://web.archive.org/>. It was found that no archive data was available for the YouTube channel *Moneywise*. However, the archive data for the video link (<https://www.youtube.com/watch?v=zyl4ZsLIQwc>) was captured as on Sep 18, 2023. The screen shot of the same is given below:



62. It is observed from the above web archive that a video was available on Sep 18, 2022 in 'The Advisor' YouTube channel. Upon viewing the video, it was found that the same was related to the scrip PSSIL and recommended to buy PSSIL stocks. However, during investigation, it was found from the web search that the said videos recommended to buy the scrip of PSSIL were not available and both channels were also deleted. Google vide email dated March 15, 2024 had informed that the video uploaded on the channel 'The Advisor' (<https://www.youtube.com/watch?v=zyl4ZsLIQwc>) was deleted on Sep 26, 2023 at 17:15:36 UTC. However, the above screenshot proves that video related to PSSIL was uploaded on the YouTube channel 'The Advisor' and was available during September, 2022.

63. I note from the SCN that clarification was sought from the company, PSSIL, regarding the aforesaid YouTube videos. The company vide emails dated February 06, 2024 and October 14, 2022 (written to BSE) clarified that the aforementioned YouTube videos/channels do not belong to the company and the information propagated through the said videos were not true. In addition, the company was not aware about circulation of any such video.

64. I note from the SCN that based on the above clarifications provided by the company it was alleged that the information contained in the videos which were uploaded in the said two YouTube channels by Noticee No. 2 without the information of the company to spread false and misleading information about the company.

65. The following was observed from the downloaded video provided by BSE:-

Video-1

- The share price of the PSSIL has increased from Rs.12 to Rs.124 i.e., Growth of more than 10 times in 3 months.
- The Company was allotted a coal mine in Australia for 59 years.
- The promoters increased their holdings from 32% to 70%.
- Announcement of bonus shares of 1:2 in December.
- The company is fundamentally and technically very strong. Good returns by PSSIL.

- The company share will rise up to 20% in six months and currently Rs. 124/- to target of Rs. 2000/- in six months.
- The share price is going to increase 10 times more.
- Invest more in PSSIL.

66. From the SCN, I note that Video-1 was recorded on Sep 15, 2022 as the closing price mentioned in the video was matching with the close price of PSSIL on Sep 15, 2022 i.e., Rs.124.95. Hence, it was concluded that the video was uploaded on the YouTube channel post market hours on September 15, 2022.

67. The following was observed from the downloaded video provided by BSE-:

Video-2

- The share price of the PSSIL has increased from Rs.12 to Rs.130 i.e., Growth of more than 10 times in 3 months.
- The company share will rise up to 20% in six months and currently Rs.124/- to target of Rs.2000/- in six months.
- The Company was allotted a coal mine in Australia for 59 years.
- The company is debt free. Nil pledging of shares.
- Announcement of bonus shares of 1:2 in December.
- The company is fundamentally and technically very strong. Good returns by PSSIL.
- The share price is going to increase more. Invest more in PSSIL.

68. From the SCN , I note that Video-2 was recorded on Sep 16, 2022 as the closing price mentioned in the video was matching with the close price of PSSIL on Sep 16, 2022 i.e. Rs.130.75. Hence, the video was uploaded on the YouTube channel post market hours of Sep 16, 2022.

69. Screenshots of the videos mentioned above are given below:



70. Thus, it is concluded from the above that the videos were uploaded on September 15 and 16, 2022 on the YouTube Channels viz., *Moneywise* and *The Advisor*.

71. During investigation, it was observed that as on February 20, 2023, '*The Advisor*' had 8.24 lakhs subscribers and '*Moneywise*' had 7.68 lakhs subscribers. Both the YouTube Channels had a very large viewership. The YouTube Videos were uploaded in YouTube channels then it was advertised through Google AdSense.

72. In this regard, it is understood that Google AdSense is an advertising program one can use to make money on content such as blogs, websites or YouTube videos. Clients pay to advertise through it, and they get a piece of that revenue by hosting ads on their site or channel. Google delivers targeted ads to their content or audience.

73. Based on Google's submissions, it was found that advertisements of YouTube videos related to 'PSL/Pressure' attracted 46,02,062 views (clicks) during the period September, 2022 in Google AdSense. Further, Google provided the ad wise clicks and payments details with respect to the YouTube channels. It was found that the following ads were circulated in the Google Ads as given below:

Date	Description	Views	Amount (Rs.)
Sep 1, 2022 - Sep 30, 2022	PSL Advisor: 2021310 clicks	20,21,310	12,87,068.92
Sep 1, 2022 - Sep 30, 2022	PSL Moneywise: 1426553 clicks	14,26,553	11,15,502.06
Sep 1, 2022 - Sep 30, 2022	Pressure Advisor: 1150926 clicks	11,50,926	8,79,787.06
Sep 1, 2022 - Sep 30, 2022	Pressure Moneywise: 3673 clicks	3,673	2,517.51
Total		46,02,462	3,284,875.55

74. From the above, it was observed that the YouTube videos regarding PSSIL were advertised through Google AdSense in the month of September 2022, the same period when the YouTube videos were said to be uploaded.

Analysis of the Role of Noticee No. 1 and 2 (MMD)

75. I note from the SCN that Google has submitted the information about the creators of the YouTube channels viz., *The Advisor* and *Money Wise* along with their names, mobile numbers and email addresses. The same is provided below:

S. No.	Channel Name	Administrator & DOB	Email	Mobile No.
1	The Advisor	Mr. Manish Mishra , Oct 24, 1983	theadvisor.stocks@gmail.com	982xxxx964
			aayatimishra@gmail.com	886xxxx117
2	Moneywise	Mr. Manish Mishra, Oct 24, 1983	moneywise.stocks@gmail.com	812xxxx480
			anshumishramanish@gmail.com	886xxxx117

76. From the trading account KYC entered by Manish Mishra with Kotak Securities Ltd., it was found that mobile number (886xxxx117) and email ids (aayatimishra@gmail.com and anshumishramanish@gmail.com) were associated to Manish Mishra. It was also observed from copy of PAN card of Noticee No.2 that October 24, 1983 is the date of birth of Mr. Manish Mishra. Hence, Manish Mishra (PAN:AMPPM6823L) who has bought and sold PSSIL shares through the Kotak Securities Ltd., was the same person who was the administrator of both the YouTube Channels viz., *The Advisor* and *Moneywise*. The said fact has not being denied by Noticee No.2.

77. Bank account statement of Noticee No.2 (Mr. Manish Mishra) who is alleged to be both MMD and VC was also analysed and the following debit transactions were found in his bank account with Kotak Mahindra Bank:

S. No.	Date	Narration of the Transaction	Amount (in Rs.)
1.	17/07/2022	PG GOOGLEADS	9,99,999.00
2.	18/07/2022	PG GOOGLEADS	9,99,998.00
3.	20/07/2022	PG GOOGLEADS	9,99,999.00
4.	21/07/2022	PG GOOGLEADS	9,99,998.00
5.	24/09/2022	PG GOOGLEADS	8,00,000.00

S. No.	Date	Narration of the Transaction	Amount (in Rs.)
6.	26/09/2022	PG GOOGLEADS	8,00,000.00
7.	28/09/2022	PG GOOGLEADS	9,00,000.00

78. I note from SCN that Noticee No.2 had paid amount to the tune of INR 4,43,32,971/- to Google AdSense for promoting videos uploaded on the YouTube channels as various such misleading videos involving scrips of different companies were also found to be uploaded through the said channels impacting various other scrips as can be seen from SEBI interim orders in the matter of *Sadhna Broadcast Ltd* (March 02, 2023) and *Sharpline Broadcast Limited* (March 02, 2023).

79. In this regard, the payment details received from Google and the bank statements of Noticee No.2 were examined. Following payment information for the amount of INR 4,43,32,971/- emerged:

S.No	Date	Narration of the transaction	Amount (in Rs.)
1	03/07/2022	PG GOOGLEADS	5,00,000.00
2	05/07/2022	PG GOOGLEADS	9,99,999.00
3	08/07/2022	PG GOOGLEADS	9,99,998.00
4	11/07/2022	PG GOOGLEADS	9,99,999.00
5	17/07/2022	PG GOOGLEADS	9,99,999.00
6	18/07/2022	PG GOOGLEADS	9,99,998.00
7	20/07/2022	PG GOOGLEADS	9,99,999.00
8	21/07/2022	PG GOOGLEADS	9,99,998.00
9	24/09/2022	PG GOOGLEADS	8,00,000.00
10	26/09/2022	PG GOOGLEADS	8,00,000.00
11	28/09/2022	PG GOOGLEADS	9,00,000.00
12	02/10/2022	PG GOOGLEADS	10,00,000.00
13	03/10/2022	PG GOOGLEADS	9,99,999.00
14	13/10/2022	PG GOOGLEADS	10,00,000.00
15	16/10/2022	PG GOOGLEADS	9,90,000.00
16	17/10/2022	PG GOOGLEADS	9,50,000.00
17	25/10/2022	PG GOOGLEADS	10,00,000.00
18	26/10/2022	PG GOOGLEADS	9,00,000.00
19	28/10/2022	PG GOOGLEADS	9,99,999.00
20	29/10/2022	PG GOOGLEADS	10,00,000.00
21	31/10/2022	PG GOOGLEADS	9,99,999.00
22	02/11/2022	PG GOOGLEADS	9,99,999.00
23	03/11/2022	PG GOOGLEADS	7,00,000.00

S.No	Date	Narration of the transaction	Amount (in Rs.)
25	06/11/2022	PG GOOGLEADS	9,99,999.00
26	08/11/2022	PG GOOGLEADS	9,98,000.00
27	09/11/2022	PG GOOGLEADS	9,99,999.00
28	10/11/2022	PG GOOGLEADS	9,99,000.00
29	13/11/2022	PG GOOGLEADS	9,99,999.00
30	14/11/2022	PG GOOGLEADS	9,00,000.00
31	15/11/2022	PG GOOGLEADS	3,00,000.00
32	16/11/2022	PG GOOGLEADS	6,00,000.00
33	17/11/2022	PG GOOGLEADS	9,99,999.00
34	17/11/2022	PG GOOGLEADS (Value Date: 18-NOV-22)	7,00,000.00
35	20/11/2022	PG GOOGLEADS	9,99,999.00
36	21/11/2022	PG GOOGLEADS	9,99,999.00
37	22/11/2022	PG GOOGLEADS	9,99,998.00
38	26/11/2022	PG GOOGLEADS	8,99,999.00
39	27/11/2022	PG GOOGLEADS	9,99,000.00
40	28/11/2022	PG GOOGLEADS	9,00,000.00
41	29/11/2022	PG GOOGLEADS	9,99,000.00
42	30/11/2022	PG GOOGLEADS	9,99,999.00
43	01/12/2022	PG GOOGLEADS	9,99,000.00
44	02/12/2022	PG GOOGLEADS	9,99,000.00
45	03/12/2022	PG GOOGLEADS	9,99,999.00
46	04/12/2022	PG GOOGLEADS	9,99,998.00
47	05/12/2022	PG GOOGLEADS	9,99,999.00

S.No	Date	Narration of the transaction	Amount (in Rs.)
24	04/11/2022	PG GOOGLEADS	5,00,000.00

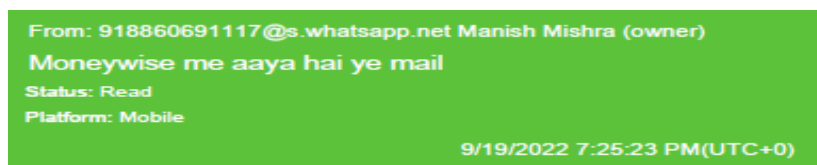
S.No	Date	Narration of the transaction	Amount (in Rs.)
48	06/12/2022	PG GOOGLEADS	9,99,999.00

80. SEBI has earlier examined the above mentioned payments made to Google AdSense in the matter of *Sadhna Broadcast Ltd.*, and *Sharpline Broadcast Ltd.* wherein SEBI has passed interim order on March 02, 2023 and then confirmatory orders on October 31, 2023 and November 01, 2023 respectively against Noticee No. 2. It was held in the said orders that these payments were made to promote the videos uploaded in the YouTube channels through Google AdSense. The relevant payment details to Google AdSense for the scrip of *Sadhna Broadcast Ltd.*, as found from the details shared by Google, are tabulated below.

Date	Description	Amount	Currency
Aug 1, 2022 - Aug 31, 2022	Sadhna 19 Green: 6015778 clicks	29,50,262.52	INR
Aug 1, 2022 - Aug 31, 2022	Sadhna 19 Red: 6259769 clicks	31,72,050.84	INR
Aug 1, 2022 - Aug 31, 2022	Sadhna 33 A: 562699 clicks	1,78,604.95	INR
Aug 1, 2022 - Aug 31, 2022	Sadhna 33 B: 197058 clicks	63,396.09	INR
Sep 1, 2022 - Sep 30, 2022	Sadhna Advisor: 201318 clicks	97,457.90	INR
Sep 1, 2022 - Sep 30, 2022	Sadhna Moneywise: 883334 clicks	4,89,424.71	INR
Oct 1, 2022 - Oct 31, 2022	Sadhna Moneywise: 26393 clicks	19,642.35	INR

81. I note from the SCN that the WhatsApp chats which were retrieved during SEBI's search and seizure operation on the premises of Mr. Manish Mishra (Noticee No.2) that, Mr. Vivek Chauhan (Noticee No.1) (999xxxx279) and Mr. Manish Mishra (886xxxx117) were discussing about the YouTube Channels.

82. The WhatsApp chats between Mr. Vivek Chauhan (Noticee No.1) and Mr. Manish Mishra on Sep 19, 2022 to Sep 22, 2022 related to *Moneywise* YouTube channel are given below:



From: 919999597279@s.whatsapp.net Vivek Chauhan
Okay, toh Moneywise mein humein Ramesh Khyaaliram ka lagana padega document
Platform: Mobile
9/20/2022 4:20:49 AM(UTC+0)

From: 919999597279@s.whatsapp.net Vivek Chauhan
Advisor chalu ho gaya???

Platform: Mobile
9/20/2022 4:28:20 AM(UTC+0)

From: 918860691117@s.whatsapp.net Manish Mishra (owner)
Yes bhai
Status: Read
Platform: Mobile
9/20/2022 4:28:41 AM(UTC+0)

From: 919999597279@s.whatsapp.net Vivek Chauhan
Bhaiya money wise chalu ho Gaya
Platform: Mobile
9/22/2022 4:34:57 AM(UTC+0)

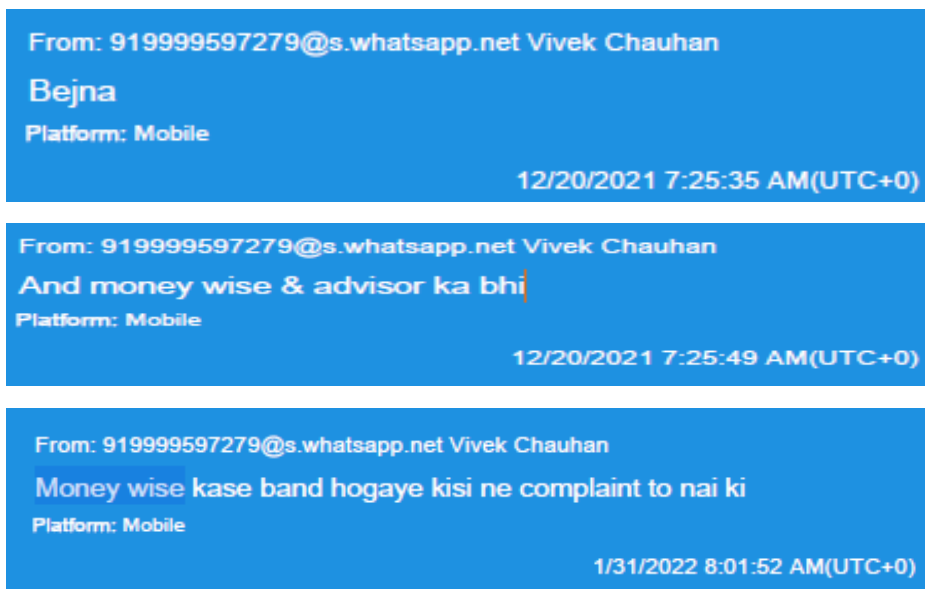
From: 918860691117@s.whatsapp.net Manish Mishra (owner)
Nahi
Status: Read
Platform: Mobile
9/22/2022 4:36:20 AM(UTC+0)

83. Further, it was also gathered from the said WhatsApp chats that Mr. Vivek Chauhan (Noticee No.1) and Mr. Manish Mishra were sharing passwords of the YouTube Channels alongwith other discussions with respect to the channels. The chats are given below:

From: 918860691117@s.whatsapp.net Manish Mishra (owner)
Advisor ka performance dekho
Status: Read
Platform: Web
12/5/2021 5:27:42 AM(UTC+0)

From: 918860691117@s.whatsapp.net Manish Mishra (owner)
Money wise pe dali thi ab hata di
Status: Read
Platform: Mobile
11/22/2021 4:49:49 PM(UTC+0)

From: 919999597279@s.whatsapp.net Vivek Chauhan
Bhai facebook wala is password behna
Platform: Mobile
12/20/2021 7:25:31 AM(UTC+0)



84. I note from the above chats that Mr. Manish Mishra along with Mr. Vivek Chauhan (Noticee No.1) operated the account of both the YouTube channels viz., *Moneywise* and *The Advisor* as they were having the knowledge of the passwords of both the said YouTube channels.

85. With regard to the above observations, Noticee No.1 and 2 have raised the following contentions:

A. The videos that were allegedly uploaded on the Youtube were not provided to the Noticees for inspection. Also, no evidence has been produced by SEBI to demonstrate that the videos were uploaded on Youtube by Noticee No.1 and 2.

i) In this regard, at the outset I want to highlight that the fact that the Youtube Channels belonged to Noticee No.2 and that he also made payments to Google Adsense to the tune of INR 4,43,32,971/- for promoting videos uploaded on the said YouTube channels, have not been denied by Noticee No.2. The same has also been established by SEBI in various previous Orders passed against Noticee No.2.

ii) I further note from the SCN that the videos alleged to be uploaded on YouTube channels by Noticee No.1 alongwith Noticee No.2 were deleted from the YouTube on September 26, 2023. However, during investigation, the same was downloaded from YouTube from the link shared by the complainant and the same was shared with the Noticees in the form of Annexure 6A of the SCN.

iii) Further, the screenshot at Page No.36 may be referred along with the details provided by Google w.r.t. the administrator/creator of YouTube channels and the payment details in the month of September 2022. These clearly indicates that Noticee No.2 was making payment for Google AdSense and the videos related to PSSIL were also live on his YouTube channel during September 2022 when Noticee No.2 and 3 were actively trading in the shares of PSSIL.

B. The bills obtained from Google AdSense fail to establish that they were for the alleged videos of the particular scrip in question.

i) In this regard, I refer to the table mentioned above and the same is reproduced below:

Date	Description	Views	Amount (Rs.)
Sep 1, 2022 - Sep 30, 2022	PSL Advisor: 2021310 clicks	20,21,310	12,87,068.92
Sep 1, 2022 - Sep 30, 2022	PSL Moneywise: 1426553 clicks	14,26,553	11,15,502.06
Sep 1, 2022 - Sep 30, 2022	Pressure Advisor: 1150926 clicks	11,50,926	8,79,787.06
Sep 1, 2022 - Sep 30, 2022	Pressure Moneywise: 3673 clicks	3,673	2,517.51
Total		46,02,462	3,284,875.55

ii) The above data was provided by Google to SEBI which demonstrates the ad wise clicks and payment details with respect to the Youtube Channels. In this regard, attention is drawn to the 'description' column of the above table which states '*Pressure Advisor: 1150926 clicks*' and '*Pressure Moneywise: 3673 clicks*' this coupled with the fact that the data pertains to the month of September 2022, the period during which the said videos were allegedly live on the said YouTube channels of Noticee No.2, clearly demonstrates that the videos related to PSSIL – Pressure Sensitive Systems (India) Limited, were uploaded on the Youtube channels of Noticee No.2.

86. Further, I note that on September 15, 2022 (the said YouTube video was uploaded after market hours on September 15, 2022), Noticee No.2 entered in 157 trades to purchase 1,14,715 shares of PSSIL wherein the smallest quantity traded was 1. This itself clearly indicates that prior to uploading the video, Noticee No.2 tried to bring up the volume of the scrip and also cornered the shares of PSSIL before publishing

the said videos on his YouTube Channels. Hence, both the above contentions of Noticee No.1 and 2 cannot be accepted.

87. As observed above, Noticee No.2 was connected to Noticee No.1, who was CFO of PSSIL and common director with the wife of Noticee No.2. Noticee No.1 being KMP of PSSIL had all the key information regarding viz. relisting of the scrip etc., of which Noticee No.1 alongwith 2, took the advantage and uploaded false and misleading videos on the YouTube channels of Noticee No.2 and made the payment for the same to promote through Google Adsense. Prior to uploading the videos and post relisting of the scrip at exchange the VCs were buying the shares of PSSIL as observed in previous paragraphs of this order. Accordingly, it is established that Noticee No.1 and 2 were the MMD and in furtherance of the scheme, mentioned in previous parts of the order, created and uploaded the false and misleading videos on YouTube to increase the price and volume of the scrip.

88. Upon combining all the above observations together, it is established that Mr. Manish Mishra along with Mr. Vivek Chauhan (Noticee No.1), CFO of PSSIL had intentionally planted the false and misleading information about PSSIL through the YouTube videos and also recommended to buy shares of PSSIL. It was also alleged from the analysis that the false and misleading videos circulated by Mr. Manish Mishra along with Mr. Vivek Chauhan (Noticee No.1) have impacted the price and volume and attracted new investors in the scrip.

Impact on the price and volume of PSSIL

89. I note from SCN that pursuant to the false and misleading videos uploaded on September 15 & 16, 2022, the price of the scrip increased from Rs.124.95 (September 15, 2022, previous day close price) to Rs.202.55 (Sep 29, 2022, highest close price) i.e., Rs.77.60 in 10 trading days. Similarly, the volumes were increased from September 16, 2022 onwards and reached the highest volume of 3,64,598 shares on September 29, 2022 with a daily average volume of 19,80,284 shares

during the period September 16, 2022 to Sep 29, 2022 (10 trading days). It is pertinent to mention that the average volume during the period July 11, 2022 to Sep 15, 2022 was 97,534 (46 trading days). Similarly, the price of the scrip was increased from Rs.12.64 to Rs.124.95 in 46 working days (pre video upload period). The details of the price and volume impact are given below:

Date	Open Price	High Price	Low Price	Close Price	No. of Shares	No. of Trades	Close to Close	%
12-Sep-22	109.80	109.80	106.80	109.80	88,900	544		
13-Sep-22	112.80	115.25	109.80	115.25	124,317	656	5.45	4.96
14-Sep-22	118.60	121.00	110.30	119.00	70,073	1063	3.75	3.25
15-Sep-22	119.00	124.95	113.05	124.95	329,914	1347	5.95	5.00
16-Sep-22	131.00	131.00	125.30	130.75	65,197	944	5.80	4.64
19-Sep-22	137.15	137.25	133.40	137.25	48,467	667	6.50	4.97
20-Sep-22	144.10	144.10	144.00	144.10	138,826	1378	6.85	4.99
21-Sep-22	150.00	151.30	149.95	151.30	168,141	2400	7.20	5.00
22-Sep-22	158.00	158.85	157.90	158.85	211,297	3558	7.55	4.99
23-Sep-22	166.05	166.75	166.05	166.75	271,500	3862	7.90	4.97
26-Sep-22	174.10	175.05	174.05	175.05	226,643	3017	8.30	4.98
27-Sep-22	182.70	183.80	182.70	183.80	210,105	3825	8.75	5.00
28-Sep-22	192.25	192.95	192.25	192.95	275,510	4077	9.15	4.98
29-Sep-22	202.00	202.55	201.95	202.55	364,598	5057	9.60	4.98
30-Sep-22	192.45	192.45	192.45	192.45	18,449	718	(10.10)	(4.99)

90. From the SCN, I note that it was observed that 3,567 new clients have traded before the video upload period i.e., July 11, 2022 to Sep 15, 2022. Thereafter, 12,327 new clients have traded after the video upload period i.e., Sep 16, 2022 to Sep 29, 2022. Further, it was found that 1644 common new clients have traded in both the periods. Hence, 10,683 new clients have traded after the video upload period i.e., Sep 16, 2022 to Sep 29, 2022. The details are given below:

Period	No. of new clients (PAN)	Common new clients in both period	No. of new clients traded
July 11, 2022 to Sep 15, 2022	3,567	1644	10,683
Sep 16, 2022 to Sep 29, 2022	12,327		

91. The price-volume data of the scrip on BSE for the IP is given below:

Period	Details	Dates	Opening Price (₹)	Closing Price (₹)	Low Price (₹)	High Price (₹)	Volume	Avg. Volume
Pre-video-Patch-1: 11-07-2022 to 15-09-2022	Open	11-Jul-22	12.04	12.64	12.04	12.64	30,035	97,534
	Close	15-Sep-22	119.00	124.95	113.05	124.95	329,914	
	Low	11-Jul-22	12.04	12.64	12.04	12.64	30,035	
	High	15-Sep-22	119.00	124.95	113.05	124.95	329,914	
Video-Patch-2: 16-09-2022 to 29-09-2022	Open	16-Sep-22	131.00	130.75	125.30	131.00	65,197	1,98,028
	Close	29-Sep-22	202.00	202.55	201.95	202.55	364,598	
	Low	16-Sep-22	131.00	130.75	125.30	131.00	65,197	
	High	29-Sep-22	202.00	202.55	201.95	202.55	364,598	
Post video Patch-3: 30-09-2022 to 06-12-2022	Open	30-Sep-22	192.45	192.45	192.45	192.45	18,449	42,311
	Close	06-Dec-22	92.90	92.90	92.90	92.90	638	
	Low	31-Oct-22	87.65	91.15	87.65	91.15	121,980	
	High	30-Sep-22	192.45	192.45	192.45	192.45	18,449	
IP (11-07-2022 to 06-12-2022)	Open	11-Jul-22	12.04	12.64	12.04	12.64	30,035	82,880
	Close	06-Dec-22	92.90	92.90	92.90	92.90	638	
	Low	11-Jul-22	12.04	12.64	12.04	12.64	30,035	
	High	29-Sep-22	202.00	202.55	201.95	202.55	364,598	

92. Accordingly, it was observed that the said videos impacted the trading in the scrip as can be seen from above. The misleading YouTube videos made the scrip of PSSIL attractive, due to the fake positive claims in the YouTube videos, and thus new investors started pouring in to trade which led to increase in the price of the scrip and created artificial interest in it.

Selling of shares of PSSIL by VCs post uploading the Videos

93. I note from that SCN that it was alleged that VCs (Noticee No. 2-11) were aware about the YouTube videos and took advantage of the same by involving in pumping and dumping scheme by way of trading in the scrip during the IP. It was observed during investigation that VCs purchased the shares of PSSIL in large quantities prior to publishing the YouTube videos. It was observed that huge quantity of shares purchased by them were from the major shareholders of PSSIL, who were having

prior shareholding in PSSIL before the scrip was suspended. Subsequently, the said Noticees allegedly dumped the shares in the market to gullible investors and made profits.

94. Out of the 11 Noticees, two groups had 94% (Rs.24,096,593) of the total profit by trading in PSSIL during Patch 1 and 2,

a) *Patel Group* (Rs. 1,83,73,262 which is 72% of the total profit), and

b) *Mishra group* (Rs. 57,23,331/- which is 22% of the total profit).

Mishra Group

95. The Mishra group sold 72,565 shares (26.05%) and did not buy any shares during the Patch-2 i.e., after the impact of the price and volume due to uploading the false and misleading videos in YouTube channels.

96. Day-wise Mishra group buy and sell during the Patch-2 is given below:

TRADE DATE	BUY TQ	SELL TQ	NET SELL
22/09/2022	0	28,565	28,565
28/09/2022	0	20,000	48,565
29/09/2022	0	24,000	72,565
TOTAL	0	72,565	

97. Noticee-wise Mishra group buy and sell during the Patch-2 is given below:

NOTICEE NAME	TRADE DATE	Sell TQ	Net Sell	Net Sell TV	Sell AR
Mrs. ANSHU MISHRA	22/09/2022	15,000	15,000	2,382,750	158.85
Mr. MANISH MISHRA	22/09/2022	13,565	13,565	2,154,800	
Mr. MANISH MISHRA	28/09/2022	20,000	33,565	3,857,023	
Mr. MANISH MISHRA	29/09/2022	24,000	57,565	4,860,357	188.87
Grand Total		72,565	72,565		

98. **Profit:** Following table demonstrates the profit made by the Mishra Group:

NOTICEE	BUY TQ PATCH-1	SELL TQ PATCH-1	OPENING BALANCE PATCH-2	BUY TQ PATCH-2	SELL TQ PATCH-2	NET SELL PATCH-2	BUY AR PATCH-1	SELL AR PATCH-2	PROFIT
Mr. MANISH MISHRA	163,565	-	163,565	0	57,565	57,565	108.39	188.87	46,32,831
Mrs. ANSHU MISHRA	115,000	-	115,000	0	15,000	15,000	86.15	158.85	10,90,500
Total	278,565	0	278,565	0	72,565	72,565			57,23,331

99. From the above analysis, it is observed that the Mishra group bought shares before the false and misleading information about the company was planted and sold

shares after the impact of the price, volume in the scrip as a result of the impact of the false and misleading videos about PSSIL and made a profit of Rs.57,23,331/- which is 22.45% of the total profit made by all the VCs (Noticee No.2 to 11).

Patel Group

100. I note from SCN that Patel group bought 3,04,256 shares, sold 4,51,706 shares hence the net sell of 1,47,450 shares (22.80%) during the Patch-2 i.e., after the impact of the price, volume and new investors in the scrip as a result of the impact of the false and misleading videos about PSSIL.

101. Day-wise Patel group buy and sell during the Patch-2 is given below:

TRADE_DATE	BUY TQ	SELL TQ	Net Sell
16/09/2022	728	0	728
19/09/2022	150	3,012	2,134
20/09/2022	3,000	28,000	27,134
21/09/2022	30,928	26,860	23,066
22/09/2022	4,162	35,000	53,904
23/09/2022	51,000	57,849	60,753
26/09/2022	35,989	62,187	86,951
27/09/2022	24,893	49,314	111,372
28/09/2022	38,084	94,908	168,196
29/09/2022	115,322	94,576	147,450
TOTAL	304,256	451,706	1,47,450

102. Noticee-wise Patel group buy and sell during the Patch-2 is given below:

NOTICEE	TRADE_DATE	Buy TQ	Sell TQ	Net Sell
Mrs. HANSA B PATEL	16/09/2022	190	-	190
Mrs. HANSA B PATEL	19/09/2022	-	12	178
Mrs. HANSA B PATEL	21/09/2022		7,742	(7,564)
Mrs. HANSA B PATEL	21/09/2022	50	-	(7,514)
Mrs. HANSA B PATEL	22/09/2022	-	30,000	(37,514)
Mrs. HANSA B PATEL	22/09/2022	2,593	-	(34,921)
Mrs. HANSA B PATEL	23/09/2022		34,249	(69,170)
Mrs. HANSA B PATEL	23/09/2022	31,500	-	(37,670)
Mrs. HANSA B PATEL	26/09/2022	-	35,681	(73,351)
Mrs. HANSA B PATEL	26/09/2022	10,681	-	(62,670)
Mrs. HANSA B PATEL	27/09/2022	-	12,898	(75,568)
Mrs. HANSA B PATEL	27/09/2022	11,549	-	(64,019)
Mrs. HANSA B PATEL	28/09/2022	-	42,611	(106,630)
Mrs. HANSA B PATEL	28/09/2022	15,787	-	(90,843)
Mrs. HANSA B PATEL	29/09/2022	69,100	53,727	(75,470)
Mr. PURAV BHARATBHAI PATEL	16/09/2022	538	-	538
Mr. PURAV BHARATBHAI PATEL	19/09/2022	150	3,000	(2,312)

NOTICEE	TRADE_DATE	Buy TQ	Sell TQ	Net Sell
Mr. PURAV BHARATBHAI PATEL	20/09/2022	-	3,000	(5,312)
Mr. PURAV BHARATBHAI PATEL	21/09/2022	-	19,118	(24,430)
Mr. PURAV BHARATBHAI PATEL	21/09/2022	15,508	-	(8,922)
Mr. PURAV BHARATBHAI PATEL	22/09/2022	-	5,000	(13,922)
Mr. PURAV BHARATBHAI PATEL	22/09/2022	1,569	-	(12,353)
Mr. PURAV BHARATBHAI PATEL	23/09/2022	-	19,500	(31,853)
Mr. PURAV BHARATBHAI PATEL	23/09/2022	19,500	-	(12,353)
Mr. PURAV BHARATBHAI PATEL	26/09/2022	-	26,506	(38,859)
Mr. PURAV BHARATBHAI PATEL	26/09/2022	25,308	-	(13,551)
Mr. PURAV BHARATBHAI PATEL	27/09/2022	-	34,416	(47,967)
Mr. PURAV BHARATBHAI PATEL	27/09/2022	13,344	-	(34,623)
Mr. PURAV BHARATBHAI PATEL	28/09/2022	-	52,297	(86,920)
Mr. PURAV BHARATBHAI PATEL	28/09/2022	22,297	-	(64,623)
Mr. PURAV BHARATBHAI PATEL	29/09/2022	41,222	34,849	(58,250)
M/s. SAURABH M PATEL HUF	29/09/2022	-	3,000	(3,000)
Mr. SAURABH MADHUSUDAN PATEL	23/09/2022	-	4,100	(4,100)
Mr. SAURABH MADHUSUDAN PATEL	27/09/2022	-	2,000	(6,100)
Mr. SAURABH MADHUSUDAN PATEL	29/09/2022	-	3,000	(9,100)
Mrs. SEJAL P PATEL	20/09/2022	3,000	25,000	(22,000)
Mrs. SEJAL P PATEL	21/09/2022	15,370	-	(6,630)
Mrs. SEJAL P PATEL	29/09/2022	5,000	-	(1,630)
Total		304,256	451,706	1,47,450

103. **Profit:** The Patel group had net sold 1,47,450 shares and made a profit of Rs. 1,83,73,262 which is 72% of the total profit made by the VCs. The details are given below:

NOTICEE	BUY TQ PATCH-1	SELL TQ PATCH-1	OPENING BALANCE PATCH-2	BUY TQ PATCH-2	SELL TQ PATCH-2	NET SELL PATCH-2	BUY AR PATCH-1	SELL AR PATCH-2	PROFIT (in Rs.)
Mrs. HANSABEN BHARATKUMAR PATEL	366,810	10,080	356,730	141450	216920	75,470	39.90	181.49	10,685,797
Mr. PURAV BHARATBHAI PATEL	238,337	24,851	213,486	139436	197686	58,250	84.42	181.59	5,660,153
Mr. SAURABH MADHUSUDAN PATEL	22,100	-	22,100	0	9100	9,100	27.32	182.25	1,409,863
M/s. SAURABH M PATEL HUF	15,315	-	15,315	0	3000	3,000	53.75	202.50	446,250
Mrs. SEJAL P PATEL	39,162	-	39,162	23370	25000	1,630	39.07	144.10	171,199
Total	681,724	34,931	646,793	304,256	451,706	147,450			1,83,73,262

104. From the above analysis, it is observed that the Patel group bought shares before the false and misleading information about the company was planted and sold shares after the impact of the price, volume in the scrip as a result of the impact of the false and misleading videos about PSSIL and made a profit of Rs.1,83,73,262/- which is 72% of the total profit made by all the VCs (Noticee No.2 to 11).

M/s. Umesh Balkrishan Tibrewala HUF, Mr. Anand Sureshbhai Lavingia And Mr. Vivek Chauhan (Noticee No. 9, 10 and 11)

105. M/s. Umesh Balkrishan Tibrewala HUF bought 4243 shares and sold 13,243 shares and net sell of 9,000 shares and made a profit of Rs.704,519. Mr. Anand Sureshbhai Lavingia sold the entire 5,039 shares and did not buy any shares and made a profit of Rs.514,778. Mr. Vivek chauhan sold 1440 shares and did not buy any shares and made a profit of Rs.178,806.

106. The day-wise and Noticee wise details are given below:

NOTICEE	TRADE DATE	Buy TQ	Sell TQ	Net Sell
M/s. UMESH BALKRISHAN TIBREWALA HUF	20/09/2022	4243	0	-4243
M/s. UMESH BALKRISHAN TIBREWALA HUF	21/09/2022	0	11243	7000
M/s. UMESH BALKRISHAN TIBREWALA HUF	26/09/2022	0	2000	9000
Mr. ANAND SURESHBHAI LAVINGIA	22/09/2022	0	5039	5039
Mr. VIVEK CHAUHAN	21/09/2022	0	140	140
Mr. VIVEK CHAUHAN	22/09/2022	0	500	640
Mr. VIVEK CHAUHAN	23/09/2022	0	250	890
Mr. VIVEK CHAUHAN	26/09/2022	0	250	1140
Mr. VIVEK CHAUHAN	27/09/2022	0	300	1440

107. **Profit:** It is observed from the above analysis that these three Noticees (Noticee No. 9, 10 and 11) made a profit of Rs. 704,520 – M/s. Umesh Balkrishan Tibrewala HUF, Rs. 514,784 – Mr. Anand Sureshbhai Lavingia and Rs. 178,805 – Mr. Vivek Chauhan. The details are given below:

NOTICEE	BUY TQ PATCH-1	SELL TQ PATCH-1	OPENING BALANCE PATCH-2	BUY TQ PATCH-2	SELL TQ PATCH-2	NET SELL PATCH-2	BUY AR PATCH-1	SELL AR PATCH-2	PROFIT (in Rs.)
M/s. UMESH BALKRISHAN TIBREWALA HUF	73,507	4,507	69,000	4243	13243	9,000	76.36	154.64	704,520
Mr. ANAND SURESHBHAI LAVINGIA	5,039	-	5,039	0	5039	5,039	56.69	158.85	514,784
Mr. VIVEK CHAUHAN	2,640	-	2,640	0	1440	1,440	43.27	167.44	178,805

108. With regard to the trades carried out by VCs during IP various explanation has been offered by the VCs or their ARs for the rationale behind trading in the scrip of PSSIL during IP. Following are the extracts of some of submission made with regard to the same-

A. Noticee No.3 - All the trades in her name were executed by the acumen and experience of the husband (Noticee No.2/Manish Mishra) and the Noticee had no role in executing any trades. The Noticee is totally unaware of any execution of trades conducted by her husband and pleads innocence regarding the same.

B. Noticee No.4 – He has a diverse in-and-out experience of the stock market for over 18 (eighteen) years professionally. Previously he has worked for various stock brokers as well. He has traded/invested like any other trader/investor in the stock market, adducing the fact that he trades regularly in various scrips as per prevalent trends ongoing in the market.

C. Noticee No.7, 8 – They are normal investor and invest in scrips which show an increasing trend in price and volume. Transaction in the scrip of PSSIL were based on existing data available on the BSE and NSE.

D. Noticee No. 5,6 – All the trades in her name were executed by the acumen and experience of the husband/son (Noticee No.4/Purav Patel) of the said Noticee, as her husband/son has a diverse in-and-out experience of the stock market for over 18 (eighteen) years professionally. The Noticee is totally unaware of any execution of trades conducted by her husband/son and pleads innocence regarding the same. It was further pleaded that she barely has any understanding regarding diversities of the market.

E. Noticee No.10- Whatever the Noticee has traded is based on his professional knowledge not by using the information through videos or any other mode. Since he was in talk with management of PSSIL for his appointment as a practicing company secretary of the company, that's why he sold that script before issuing any certification to the company.

F. Noticee No.11 – He has merely traded in the shares of PSSIL as any other trader/investor. The trading pattern of the Noticee raises no eyebrows as the sole

objective of trading/investing is to make profits. He was not at all aware about video which was uploaded on the YouTube channels.

109. From the above submissions, I note that Purav Patel was trading on behalf of his wife (Noticee No.5) and mother (Noticee No.6) and Manish Mishra was trading trade on behalf of wife (Noticee No.3) in addition to trading in their own accounts during Patch I and II. Mr. Purav Patel has submitted that he has vast experience in the share market and has the experience of stock market of over 18 years. Similarly, Noticee No. 7 and 8 have stated that they relied on the data of exchanges.

110. Noticee No.10 has submitted that in anticipation of his appointment with PSSIL the decision to offload the entire shareholding of PSSIL was taken. However, the said submission only appears to be an afterthought as nothing has been brought on record to suggest that the appointment of the Noticee was finalised on September 22, 2022 (when entire 5039 shares were sold) nor there was any obligation on him to offload the entire shareholding. In addition, the trading pattern of the said Noticee wherein he is purchasing the shares prior to uploading the Youtube Videos and offloading the same post the circulation of YouTube videos and his frequent communication with Noticee No.4 during the same period clearly shows that he was aware about the YouTube videos and hence traded accordingly and was able to make profit.

111. Further, I note that there were no major corporate announcements made by the company during the IP to attract the investors. It is also pertinent to mention that the scrip of PSSIL was suspended from trading at the BSE for the period of 7 years before the VCs started buying shares in huge quantities. Hence, the above submissions of the Noticees does not lend much support to the rationale submitted regarding their investment/trading decision in the scrip of PSSIL. Accordingly, the same cannot be accepted.

III. PATCH III- Removal of YouTube videos and fall in price and volume

112. I note from above that the YouTube Videos were uploaded in Google YouTube channels and it was advertised through Google AdSense. The same attracted 46,02,062 views (clicks) during the period September, 2022 in Google AdSense. Google vide email dated March 15, 2024 informed that the video uploaded on the channel viz., The Advisor (<https://www.youtube.com/watch?v=zyl4ZsLIQwc>) was deleted on Sep 26, 2023 at 17:15:36 UTC. From the chart of the scrip it is observed that the volume dried up post removal of the advertisements from Google AdSense and the price started falling from Sep 30, 2022 onwards and reached Rs.99.05 on Oct 20, 2022 i.e., the price has fallen from Rs.202.55 to Rs.99.05. Further, the volume and number of trades have decreased drastically. The share price, volume and number of trade details are given below:

Date	Open Price	High Price	Low Price	Close Price	No. of Shares	No. of Trades	Close to Close	%
16-Sep-22	131.00	131.00	125.30	130.75	65,197	944	5.80	4.64
19-Sep-22	137.15	137.25	133.40	137.25	48,467	667	6.50	4.97
20-Sep-22	144.10	144.10	144.00	144.10	138,826	1378	6.85	4.99
21-Sep-22	150.00	151.30	149.95	151.30	168,141	2400	7.20	5.00
22-Sep-22	158.00	158.85	157.90	158.85	211,297	3558	7.55	4.99
23-Sep-22	166.05	166.75	166.05	166.75	271,500	3862	7.90	4.97
26-Sep-22	174.10	175.05	174.05	175.05	226,643	3017	8.30	4.98
27-Sep-22	182.70	183.80	182.70	183.80	210,105	3825	8.75	5.00
28-Sep-22	192.25	192.95	192.25	192.95	275,510	4077	9.15	4.98
29-Sep-22	202.00	202.55	201.95	202.55	364,598	5057	9.60	4.98
30-Sep-22	192.45	192.45	192.45	192.45	18,449	718	(10.10)	(4.99)
03-Oct-22	182.85	182.85	182.85	182.85	8,466	217	(9.60)	(4.99)
04-Oct-22	173.75	173.75	173.75	173.75	1,600	114	(9.10)	(4.98)
06-Oct-22	165.10	165.10	165.10	165.10	1,954	101	(8.65)	(4.98)
07-Oct-22	156.85	156.85	156.85	156.85	961	73	(8.25)	(5.00)
10-Oct-22	149.05	149.05	149.05	149.05	1,530	80	(7.80)	(4.97)
11-Oct-22	141.60	141.60	141.60	141.60	884	58	(7.45)	(5.00)
12-Oct-22	134.55	134.55	134.55	134.55	1,336	56	(7.05)	(4.98)
13-Oct-22	127.85	127.85	127.85	127.85	962	52	(6.70)	(4.98)
14-Oct-22	121.50	121.50	121.50	121.50	1,279	63	(6.35)	(4.97)
17-Oct-22	115.45	115.45	115.45	115.45	83,973	243	(6.05)	(4.98)
18-Oct-22	109.70	109.70	109.70	109.70	3,156	60	(5.75)	(4.98)
19-Oct-22	104.25	104.25	104.25	104.25	872	61	(5.45)	(4.97)
20-Oct-22	99.05	99.05	99.05	99.05	742	67	(5.20)	(4.99)

113. In view of the price fall and less volume in the market, the *Mishra Group* did not sell majority of shares which were bought before the planting of the false and misleading information about PSSIL. The details of the shares sold by the *Mishra Group* post removal of the advertisement of YouTube videos is given below:

TRADE DATE	Sell TQ
21/10/2022	6000
31/10/2022	4374
14/11/2022	2000
15/11/2022	8187
Total	20,561

114. The YouTube Videos were uploaded in Google YouTube channels then it was advertised through Google AdSense during the month of September 2022. Based on Google submissions, it was found that advertisements attracted 46,02,062 views (clicks) during the period September, 2022 in Google AdSense. Post removal of the advertisements from Google AdSense, volume in the scrip of PSSIL dried up and the price also started falling.

115. In view of the price fall and less volume in the market, the *Patel Group* also did not sell majority of shares, which were bought before planting the false and misleading information about PSSIL. The trade details are given below:

TRADE DATE	Sell Quantity
30/09/2022	8718
17/10/2022	6282
02/11/2022	1
04/11/2022	1
07/11/2022	2068
09/11/2022	1300
10/11/2022	8235
11/11/2022	7452
Total	34,057

116. In view of the price fall and less volume in the market post removal of said videos from YouTube, Noticee No.9 and 11 did not sell the major shares which were bought before uploaded the false and misleading videos about PSSIL. Noticee No.10 sold his entire shareholding of PSSIL during Patch-II.

117. As observed in the previous paragraphs of the order, soon after the relisting of the scrip of PSSIL, which had been suspended by BSE Ltd. for 7 years, the VCs started purchasing the shares of PSSIL on multiple days during Patch-I. Mr. Purav Patel and Mr. Manish Mishra who were also operating the trading accounts of their mother/wife had a net buy of more than 9 lakhs shares of PSSIL

in Patch-1. The buy trades of VCs were also found to have intensified as the YouTube videos upload date approached i.e. September 15, 2022. As the YouTube videos containing misleading information regarding the PSSIL were uploaded and also advertised resulting in huge number of viewership in short time span, corresponding spurt in the volume and price in the scrip of PSSIL is observed. This gave the VCs opportunity to sell the shares purchased during Patch-I. It is observed that Mishra Group and Noticee No.10 and 11 did not buy any shares of PSSIL during Patch-2 and were only observed to have selling the shares. Similarly, during Patch-I these Noticees were only buying the shares of PSSIL. The Patel Group who had sold 34,931 shares during Patch-I, sold 4,51,706 shares during Patch-2 (i.e. in 14 days). This also establishes that the said two YouTube Videos related to PSSIL through which misinformation alongwith buy recommendation was spread, were uploaded over the YouTube channels of Noticee No.2 alongwith Noticee No.1 who hatched the entire scheme alongwith other Noticees as the timing of trading in PSSIL by VCs correlates with the period during which the YouTube videos were available. The fact that Noticee No.2 had paid huge amount to Google AdSense during September 2022 when the said YouTube videos were live to increase the viewership of the said videos further supports the above finding.

118. Further, during Patch-I, it was observed that the VCs were in contact with each other as frequent calls are observed to be made between them during the period. In addition, there were fund transactions and various business relations among the Noticees. I also note that, Noticee No.1 who was the CFO of PSSIL during IP was in contact with Noticee No.2 and both were collectively operating the YouTube Channels on which the said YouTube videos were uploaded. The said YouTube channels of Noticee No.2 were previously also used for the similar purpose wherein Noticee No.3 and Noticee No.4 were also found to be involved and was playing the role of VC. Noticee No.4 being in the role of VC in the instant matter while trading alongwith his mother and wife traded in the scrip of PSSIL during IP and made heavy profit. The aforesaid clearly shows a concerted effort

by the Noticees wherein the scrip of PSSIL was made artificially attractive by spreading false news and then shares were sold in huge quantities once new investors started trading in the scrip and the price started increasing.

119. For Noticee No. 9, 10 and 11, I note that there were regular calls between them and the *Patel group* alongwith other connections. The trading pattern of the said Noticees wherein shares of PSSIL were accumulated before uploading the YouTube videos and sold after the impact on the price and volume as a result the misleading YouTube videos about PSSIL clearly establishes that Noticee No.9,10 and 11 were also part of the scheme of planting the false and misleading information about the company and made profits. It is established from the above analysis that these three Noticees were in connivance with the Patel group, and were aware about the said scheme and took benefit of it. Hence, they are equally liable.

120. The above inference is in line with the judgment of Hon'ble Supreme Court in ***Securities and Exchange Board of India vs. Kishore R. Ajmera*** [(2016) 6 SCC 368] wherein it was held that it is a fundamental principle of law that proof of an allegation levelled against a person may be in the form of direct substantive evidence or, as in many cases, such proof may have to be inferred by a logical process of reasoning from the totality of the attending facts and circumstances surrounding the allegations/charges made and levelled.

121. It is pertinent to refer that the definition of 'fraud' as given in Regulation 2(c) of the PFUTP Regulations, 2003 which is as follows:

"fraud" includes any act, expression, omission or concealment committed whether in a deceitful manner or not by a person or by any other person with his connivance or by his agent while dealing in securities in order to induce another person or his agent to deal in securities, whether or not there is any wrongful gain or avoidance of any loss, and shall also include-

a) a knowing misrepresentation of the truth or concealment of material fact in order that another person may act to his detriment;

- b) a suggestion as to a fact which is not true by one who does not believe it to be true;*
- c) an active concealment of a fact by a person having knowledge or belief of the fact;*
- d) a promise made without any intention of performing it;*
- e) a representation made in a reckless and careless manner whether it be true or false;*
- f) any such act or omission as any other law specifically declares to be fraudulent,*
- g) deceptive behavior by a person depriving another of informed consent or full participation,*
- h) a false statement made without reasonable ground for believing it to be true.*
- i) the act of an issuer of securities giving out misinformation that affects the market price of the security, resulting in investors being effectively misled even though they did not rely on the statement itself or anything derived from it other than the market price.*

And “fraudulent” shall be construed accordingly;...”

122. I note that spreading misleading and false information about PSSIL and making the scrip artificially attractive amounts to *fraud* on account of unfair trade practice and hence is a violation of PFUTP regulations. In this regard, I rely on the observations made by the Hon'ble Securities and Appellate Tribunal ('SAT') in matter of **V. Natarajan vs. SEBI** (Order dated June 29, 2011 in Appeal No. 104 of 2011) wherein it is stated:

"... we are satisfied that the provisions of Regulations 3 and 4 of the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 were violated. These regulations, among others, prohibit any person from employing any device, scheme or artifice to defraud in connection with dealing in or issue of securities which are listed or proposed to be listed on

an exchange. They also prohibit persons from engaging in any act, practice, course of business which operates or would operate as fraud or deceit upon any person in connection with any dealing in or issue of securities that are listed on stock exchanges. These regulations also prohibit persons from indulging in a fraudulent or unfair trade practice in securities which includes publishing any information which is not true or which he does not believe to be true. Any advertisement that is misleading or contains information in a distorted manner which may influence the decision of the investors is also an unfair trade practice in securities which is prohibited. The regulations also make it clear that planting false or misleading news which may induce the public for selling or purchasing securities would also come within the ambit of unfair trade practice in securities." (Emphasis supplied)

123. With regard to the allegation of *fraud* and violation of the provisions of *PFUTP regulations*, I refer to the judgment of Hon'ble Supreme Court in ***SEBI v. Shri Kanaiyalal Baldevbhai Patel*** [(2017) 15 SCC 1]. In the part of the judgment delivered by Justice Ranjan Gogoi, a liberal interpretation has been given to the definition of fraud under regulation 2(c). It has been observed that fraud, as per the definition, even includes an act, expression, omission or concealment which, even though was not committed in a deceitful manner, but has (or had) the effect of inducing another person to deal in securities. The burden on SEBI in such a case will not be to prove that the person did the inducement dishonestly or in bad faith, but only to establish that the person so induced would not have acted the way he did if he was not induced.

124. Hence, it can be inferred from the liberal interpretation of Regulation 2(c) of PFUTP Regulations by the Hon'ble Supreme Court that the element of '*intention to commit fraud*' is not required to prove. However, it has even been expressly stated in the judgment that *mens rea* is not an indispensable requirement to attract the rigour of Regulations 3 and 4 of PFUTP Regulations, and the correct test is one of preponderance of probabilities.

125. I further note that the Hon'ble Supreme Court in the same judgment has also observed "*the provisions of Regulations 3 (a), (b), (c), (d) and 4(1) are couched in general terms to cover diverse situations and possibilities. Once a conclusion, that fraud has been committed while dealing in securities, is arrived at, all these provisions get attracted in a situation....*".

126. A similar interpretation was given by Hon'ble SAT in ***Pyramid Saimira Theatre Ltd. v. SEBI*** (2010) in which the ratio laid down by Supreme Court in ***Chairman, Sebi v. Shriram Mutual Fund*** (2006), that mens rea is not a *sine qua non* for establishing violation of chapter VIA of SEBI Act, was extended to all the provisions of SEBI Act and the PFUTP Regulations. It was also observed that the words indicated in the definition of 'fraud' under Regulation 2(1)(c) of the PFUTP Regulations "*whether in a deceitful manner or not*" are significant and clearly indicate that intention to deceive is not an essential requirement of the definition of fraud. The decisions in both these cases were rendered on the basis that proceedings initiated by SEBI are civil in nature.

127. Even in ***SEBI v. SKDC Consultants Ltd.*** (2004) and in ***SEBI v. Cabot International Capital Corporation*** (2004) the Hon'ble Bombay High Court observed that as the imposition of the penalty under the SEBI Act and regulations is civil in nature and cannot be equated with penal character, *mens rea* is not essential for breaches of provisions of the SEBI Act and regulations.

128. Upon examining the above facts and submissions of the Noticees and the judgments passed by the Hon'ble SAT and Hon'ble Supreme Court, it is held that Noticee No. 1 and 2 along with Noticee No. 3, 4, 5, 6, 7, 8, 9, 10 and 11 devised a fraudulent scheme wherein a YouTube videos were intentionally uploaded to spread false and misleading news pertaining to PSSIL in two YouTube channels viz., *Money wise* and *The Advisor* and recommended to buy PSSIL shares and created artificial interest in the shares of PSSIL and thereby induced gullible investors.

129. In view of the above, it is established that the Noticees have violated Section 12A(a), (b) and (c) of the SEBI Act read with Regulation 3(a), (b), (c), (d) and Regulation 4(1) and 4(2) (a), (d), (k) and (r) of the PFUTP Regulations.

Unlawful gains made by VCs

130. As observed from above, the VCs (Noticee No.2 to 11) bought the shares of PSSIL before planting the false and misleading information about the company through YouTube videos and made profit by selling these shares post impact of the price and volume through false and misleading information about the company. It was alleged that 10 Noticees (VCs) who traded in PSSIL during Patch I and II have made a profit of Rs.2.55 crore. The details are given below:

S.N.	PAN	NOTICEE NAME	BUY TQ* PATCH-1	SELL TQ PATCH-1	OPENING BALANCE PATCH-2	BUY TQ PATCH-2	SELL TQ PATCH-2	NET SELL PATCH-2	BUY AR# PATCH- 1	SELL AR PATCH-2	PROFIT (in Rs.)
1	AOBPP2678G	Mrs. HANSABEN BHARATKUMAR PATEL	366,810	10,080	356,730	141450	216920	75,470	39.90	181.49	10,685,797
2	ANWPP1802G	Mr. PURAV BHARATBHAI PATEL	238,337	24,851	213,486	139436	197686	58,250	84.42	181.59	5,660,153
3	AOSPP0609Q	Mr. SAURABH MADHUSUDAN PATEL	22,100	-	22,100	0	9100	9,100	27.32	182.25	1,409,863
4	AATHS2314G	M/s. SAURABH M PATEL HUF	15,315	-	15,315	0	3000	3,000	53.75	202.50	446,250
5	AOAPP8217N	Mrs. SEJAL P PATEL	39,162	-	39,162	23370	25000	1,630	39.07	144.10	171,199
6	AMPPM6823L	Mr. MANISH MISHRA	163,565	-	163,565	0	57565	57,565	108.39	188.87	4,632,831
7	BMIPS3480H	Mrs. ANSHU MISHRA	115,000	-	115,000	0	15000	15,000	86.15	158.85	1,090,500
8	AABHU2719P	M/s. UMESH BALKRISHAN TIBREWALA HUF	73,507	4,507	69,000	4243	13243	9,000	76.36	154.64	704,520
9	AGYPL1819J	Mr. ANAND SURESHBHAI LAVINGIA	5,039	-	5,039	0	5039	5,039	56.69	158.85	514,784
10	CJZPC5706M	Mr. VIVEK CHAUHAN	2,640	-	2,640	0	1440	1,440	43.27	167.44	178,805
TOTAL			1,041,475	39,438	1,002,037	308,499	543,993	235,494			25,494,702

*TQ = Traded Quantity

#AR = Average Rate

131. As established above, the Noticees engaged in a coordinated fraudulent scheme to induce investors to acquire securities in PSSIL. As part of the scheme, MMD uploaded false and misleading videos in the YouTube Channels and hence generated artificial interest in the scrip of PSSIL. While the VCs bought shares prior to uploading the videos and subsequently sold the substantial portion of their shares at inflated prices which was the result of the impact of the false and misleading

information about PSSIL through YouTube videos, thereby making unlawful gains of Rs.2,54,94,702/- at the cost of the new investors.

Issue 2 - If the violations alleged against the Noticees have been established, what directions are required to be issued and what is the amount of monetary penalty that is required to be imposed on the Noticees?

132. Since the violations against the Noticees are established in the preceding paragraphs, I hereby refer to the judgment of the Hon'ble Supreme Court of India in the matter of **SEBI vs. Shri Ram Mutual Fund** [(2006) 68 SCL 216 (SC)] held that:

“once the violation of statutory regulations is established, imposition of penalty becomes sine qua non of violation and the intention of parties committing such violation becomes totally irrelevant. Once the contravention is established, then the penalty is to follow.”

133. The charges against Noticees are examined and established. As observed in the previous parts of this order, as per the scheme devised by the Noticees, during the IP, Noticee No.1 and 2 being the MMDs are responsible for disseminating false information regarding PSSIL through YouTube Videos, whereas Noticee No.2-11 being the Volume Creators (VCs) traded in the scrip during that period. Through their actions, the Noticees artificially increased the volume in the scrip post its relisting on exchange and therefore booked profits when the price and volume of the scrip increased post releasing the said YouTube videos. Accordingly, I find that Noticees are liable to be imposed with appropriate penalty under Section 15HA of the SEBI Act. Further, I find that appropriate directions need to be issued against the Noticees for such violations.

134. Section 15HA of the SEBI Act provides for penalty for fraudulent and unfair trade practices which shall not be less than Rs.5 Lakhs but which may extend to Rs.25 Crore or 3 times the amount of profits made out of such practices, whichever is

higher. While determining the quantum of penalty under the SEBI Act, it is important to consider the factors stipulated in section 15J of the SEBI Act which are as follows:

- (a) the amount of disproportionate gain or unfair advantage, wherever quantifiable, made as a result of the default;
- (b) the amount of loss caused to an investor or group of investors as a result of the default;
- (c) the repetitive nature of the default.

135. I note that actions were taken against the following Noticees by SEBI in the past, the details are as follows:

S.No	Name Of The Entity	Case Name	Date Of SEBI Confirmatory Order
1	Mr. Manish Mishra (AMPPM6823L)	In the matter of trading based stock recommendations using social media YouTube in the scrip of Sadhna Broadcast Ltd	October 31, 2023
		In the matter of Stock recommendations using YouTube in the scrip of Sharpline Broadcast Limited	November 01, 2023
2	Mrs. Anshu Mishra (BMIPS3480H)	In the matter of trading based stock recommendations using social media YouTube in the scrip of Sadhna Broadcast Ltd	October 31, 2023
3	Mr. Purav Bharatbhai Patel (ANWPP1802G)	In the matter of trading based stock recommendations using social media YouTube in the scrip of Sadhna Broadcast Ltd	October 31, 2023

Directions and Penalty

136. In view of the foregoing, I, in exercise of powers conferred upon me under sections 11(1), 11(4), 11B(1), 11B(2) and 11(4A) read with Section 19 of the SEBI Act and Rule 5 of the SEBI (Procedure for Holding Inquiry and Imposing Penalties) Rules, 1995 do hereby pass the following directions, in the interest of investors and market integrity:

- a. Noticee No.2 to 11 are directed to disgorge the unlawful gains within 45 days from the date of this order and the same shall be credited into the Investor Protection and Education Fund (IPEF) referred to in Section 11(5) of the SEBI Act, within 45 days from the date of this order. The amount shall be disgorged in the following manner:

S. No.	Noticee/s liable to disgorge the wrongful gain	Amount of unlawful gain to be disgorged (in ₹)
1.	Noticee No.2	46,32,831/-
2.	Noticee No.4	56,60,153 /-
3.	Noticee No. 9	7,04,520/-
4.	Noticee No. 10	5,14,784/-
5.	Noticee No. 11	1,78,805/-
6.	Noticee No. 2 and 3 (jointly and severally)	10,90,500/-
7.	Noticee No. 4 and 5 (jointly and severally)	1,71,199/-
8.	Noticee No. 4 and 6 (jointly and severally)	1,06,85,797/-
9.	Noticee No. 7 and 8 (jointly and severally)	18,56,113/-
TOTAL		Rs.2,54,94,702/- (Rupees Two crores fifty four lakhs ninety four thousand seven hundred and two only)

- b. The Noticees are restrained from accessing the securities market and further prohibited from buying, selling or otherwise dealing in securities (including units of mutual funds), directly or indirectly, or being associated with the securities market in any manner, whatsoever, for the following period, from the date of this order:

Noticee No.	Name of Noticee	PAN	Period of Debarment
1.	Vivek Chauhan	AHPPC9620A	3 years
2.	Manish Mishra	AMPPM6823L	5 years
3.	Anshu Mishra	BMIPS3480H	5 Years
4.	Purav Bharatbhai Patel	ANWPP1802G	5 years
5.	Sejal P Patel	AOAPP8217N	4 Years
6.	Hansaben Bharatkumar Patel	AOBPP2678G	4 Years
7.	Saurabh Madhusudan Patel	AOSPP0609Q	1 Year
8.	Saurabh M Patel HUF	AATHS2314G	1 Year
9.	Umesh Balkrishan Tibrewala HUF	AABHU2719P	1 Year
10.	Anand Sureshbhai Lavingia	AGYPL1819J	1 Year
11.	Vivek Chauhan	CJZPC5706M	1 Year

- c. If the above Noticees have any open position in any exchange traded derivative contracts, as on the date of the order, they can close out /square off such open positions within 3 months from the date of order or at the expiry of such contracts, whichever is earlier. The Noticees are permitted to settle the pay-in and pay-out obligations in respect of transactions, if any, which have taken place before the close of trading on the date of this order.
- d. In addition, in exercise of powers conferred upon me under sections 11(4A) and 11B(2), the Noticees are hereby imposed with the following monetary penalties:

Noticee No.	Name of the Noticee	Penal Provision	Amount (in ₹)
1.	Vivek Chauhan	Section 15HA of the SEBI Act, 1992.	50,00,000/- (Fifty Lakhs)
2.	Manish Mishra		1,00,00,000/- (One Crore)
3.	Anshu Mishra		50,00,000/- (Fifty Lakhs)
4.	Purav Bharatbhai Patel		50,00,000/- (Fifty Lakhs)
5.	Sejal P Patel		15,00,000/- (Fifteen Lakhs)
6.	Hansaben Bharatkumar Patel		15,00,000/- (Fifteen Lakhs)
7.	Saurabh Madhusudan Patel		5,00,000/- (Five Lakhs)
8.	Saurabh M Patel HUF		5,00,000/- (Five Lakhs)
9.	Umesh Balkrishan Tibrewala HUF		5,00,000/- (Five Lakhs)
10.	Anand Sureshbhai Lavingia		5,00,000/- (Five Lakhs)
11.	Vivek Chauhan		5,00,000/- (Five Lakhs)

- e. Noticee No.2 to 11 are prohibited from selling their assets, properties including mutual funds/shares/securities held by them in demat and physical form except for the purpose of effecting disgorgement as directed in point (a) above. Further, the banks are directed to allow debit from the bank accounts of the Noticees, only for the purpose mentioned in point (a) and/or (d) above. This direction shall cease to operate upon the payment of respective disgorgement and penalty amount.
- f. The Noticees shall remit / pay the said amount of penalty, within a period of forty-five (45) days from the date of receipt of this order, through online payment facility available on the website of SEBI, i.e. www.sebi.gov.in on the

following path, by clicking on the payment link: ENFORCEMENT -> Orders -> Orders of EDs/CGMs -> PAY NOW. In case of any difficulty in online payment of penalty, the Noticee(s) may contact the support at portalhelp@sebi.gov.in.

- g. The Noticee(s) shall forward details of the online payment made in compliance with the directions contained in this Order to the Division Chief, IVD-ID-01, SEBI, SEBI Bhavan II, Plot no. C -7, “G” Block, Bandra Kurla Complex, Bandra(E), Mumbai-400 051” and also to e -mail id: tad@sebi.gov.in in the format as given in table:

Case Name	
Name of the Payee	
Date of Payment	
Amount Paid	
Transaction No.	
Bank details in which payment is made	
Payment is made for: Penalty or Disgorgement	

137. This Order shall come into force with immediate effect.

138. A copy of this order shall be sent to the Noticees, recognized Stock Exchanges, Depositories, Banks and Registrar and Transfer Agents for information and compliances.

Date: January 31, 2025

Place: Mumbai

G. RAMAR
QUASI-JUDICIAL AUTHORITY
SECURITIES AND EXCHANGE BOARD OF INDIA